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*David Milne Oct 6: 1871*

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THE  
SPIRIT OF MARINE LAW,  
OR  
**Compendium of the Statutes**  
RELATING TO  
THE ADMIRALTY.

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THE UNIVERSITY OF CHICAGO

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THE  
SPIRIT OF MARINE LAW,

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Compendium of the Statutes

RELATING TO

THE ADMIRALTY;

BEING A CONCISE BUT PERSPICUOUS ABRIDGMENT OF ALL THE ACTS

RELATIVE TO

NAVIGATION.

*ALPHABETICALLY ARRANGED,*

AND THE SUBSTANCE AND REFERENCES TO THE SEVERAL CLAUSES  
PLACED IN THE MARGIN.

---

By JOHN IRVING MAXWELL,

OF THE HONOURABLE SOCIETY OF THE INNER TEMPLE, AND LATE OF THE ROYAL NAVY.

---

Imperium Pelagi  
Servumque Tridentem.

VIRG.

Let US be back'd by GOD and with the SEAS,  
Which he hath given to us for Fence impregnable.  
In HIM and THEM we trust,

SHAKESPE.

---

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MCCC.

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VOLUME 38  
PART 1  
1908

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TO THE  
RIGHT HONOURABLE  
**GEORGE JOHN EARL SPENCER.**

---

MY LORD,

*A PUBLICATION the avowed Object of which is to diffuse more extensively a Knowledge of those Laws by the Observance of which the favourite Service of this Country has been so pre-eminently distinguished, can need no Apology for placing YOUR LORDSHIP'S NAME at the Head of the Volume.*

*I will not, my Lord, in the hackneyed phraseology of complimentary Dedication, launch out in panegyric upon that indefatigable Exertion and unremitting Attention to the augmented and important Duties of the High Office now filled by your Lordship, Duties to which you have sacrificed the Splendour of Rank and the Enjoyments of Private Life—nor will I expatiate upon that penetrating Eye and directing Judgment, which pervades and regulates each Movement of the vast Machine of Naval Operation. The Page of the Historian, who shall write the Annals of Great Britain, will serve me better : in that brilliant Page*

#### DEDICATION.

where it shall be recorded, that in those eventful Times, when other States were dashed upon the Rocks of Revolution, this "fast-anchored Isle" rode out the Storm; that her Naval Genius, bestriding the Main from the Eastern to the Western World, with wide commanding View saw hostile Navies at anchor in our Harbours, and the remotest Boundaries of the Ocean covered with our Commerce. Your Lordship will require no other Monument, than for the Page of the Historian thus to inform Posterity:

"At this Triumphant Era in Commercial Prosperity and Naval Renown, THE HELM OF STATE was directed by the SON OF LORD CHATHAM, and EARL SPENCER. PRESIDED AT THE ADMIRALTY."

I am,

MY LORD,

Your Lordship's most devoted Servant,

THE AUTHOR.

---

## P R E F A C E.

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THE original idea of this Work arose from a Gentleman\* to whom the Navy is in no small degree indebted for many improvements in Naval Tactics, and for the only treatise of authority as yet published on the subject of Naval Courts Martial, and the manuscript of the present Volume was by him brought down to the end of the year 1792.

It must often have appeared extraordinary to Professional men, that whilst laws on other subjects of less comparative interest have been well digested and explained, the Marine Law of so renowned a Maritime Power as Great Britain should still continue dispersed amid a number of voluminous folios ; or if in part collected (as is the case with the Statutes relative to the Admiralty), that the opportunity of acquiring a knowledge of them should be exclusively confined to the Flag Officers and Captains of His Majesty's Navy.

\* Mr. M<sup>r</sup> ARTHUR has also written several interesting papers in the *Naval Chronicle*, and has brought forward in that Work many authentic and important Naval documents, relative to the evacuation of Toulon.

To obviate these objections, and to diffuse more generally the principles of the MARINE LAWS, hitherto confined to particular classes of the Navy, the present publication was commenced, and advanced up to a certain period: But other avocations preventing the Author from completing his design, the manuscript was liberally presented to the present Editor, to introduce such alterations and additions as might be deemed necessary, and to bring down the several Acts of Parliament to the present date.

With respect to the utility of a publication of this nature to those persons who are immediately interested in the operation of the Laws here abstracted, any introductory observation would be superfluous. The elegant and learned Author of the Commentaries has observed, "that a knowledge of the Law is an indispensable part of education in a country where it is an established maxim, that *ignorance of the law excuses no man*, and where a law is supposed to be promulgated the moment it is enacted." The superior officers of His Majesty's Navy are therefore peculiarly interested in thoroughly comprehending these Laws, which it is their province to enforce and execute, otherwise that Navigation and Commerce of which they are the executive guardians would be injured and impeded.

But it is not only to the superior officers of the Navy that a knowledge of the Marine Laws is necessary, but to that class of Gentlemen upon the quarter deck who, merely as a term of distinction, are denominated Petty Officers, that the study of the Marine Laws becomes indispensably necessary, because in many instances they also are to enforce the laws, and to act as officers of the Revenue, by seizing vessels not conforming to the regulations prescribed.

For the use, then, of such whom inclination or professional habits may lead to consult the several subjects here enumerated, the present Compendium of Marine Law has been compiled, arranged, and digested. For greater facility of reference, the alphabetical order of arrangement has been adopted, the several Acts have been given (some few instances excepted) in the chronological order in which they have been enacted, and the numerical references to the Acts, and the substance of the respective clauses, have been placed in the margin; so that whilst this work contains the Spirit of the Marine Laws sufficiently dilated to be practically useful, at the same time it will serve as a copious Index to those who wish more minutely and at large to consult any particular Act.

In detailing the several Acts, the technical formalities of legislation have been every where



rejected, whilst at the same time the very words of every clause in the respective original Acts have been adopted, as best calculated to point out more particularly the precise meaning of the Legislature.

With respect to the mode in which the person entrusted with the charge of bringing this Work forward has conducted it, it may be necessary to observe, that professional studies and practice as a Solicitor, added to the General Theory of British Jurisprudence, which (till disappointment pushed him aside) he once studied with a view to the higher branches of the Profession, may not have rendered him altogether ineligible to complete this undertaking ; in which he has endeavoured to concentrate, as much as was consistent with perspicuity, and introduced as much variety as the scale prescribed to him would admit. Thus where the statutes have been directory, and not only enact positively what shall be done, but prescribe the mode of doing it ; and where the subject has been of particular interest to the numerous classes for whom the work is calculated, the several clauses of the Acts containing the law upon the respective heads have been more copiously, and it is hoped instructively, detailed. Hence the head FISHERIES, although filling a considerable space, will not

appear to have occupied too much attention, when the comparative importance of the subject shall be deliberately weighed and fairly estimated. The head also denominated SEAMEN'S WAGES is for the same reason copious; and that of PRIZES, which during the present war has been a more particular object of interest in the Navy, has been detailed much more than it is presumed can be found in any other publication.

Considered, therefore, as a book of practical instruction to Officers of the Navy and Revenue, Merchants, Masters of Merchantmen, and all persons in any degree connected with Shipping, and even in that Profession to which the Editor has the honour to belong, it may be considered not only as a copious Index to the Marine Statutes, but as an analysis of every clause they contain; and as the Writer of this is conscious of having omitted no point of information which his legal researches could furnish consistent with the limited space assigned, he comes forward before the Tribunal of Criticism, neither apprehensive of the utility of the design, nor ashamed of the mode in which it has been executed.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[illegible]

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THE  
**SPIRIT OF MARINE LAW.**

**Of the Admiralty.**

**ITS POWER AND JURISDICTION.**

**T**O enter into remote researches, relative to the origin and antiquity of the office of Lord High Admiral, would be far from the purpose of the present publication. To prevent therefore any disappointment, the readers, for whose practical instruction this book is intended, are informed *in limine* what this undertaking substantially is, and what species of information it is intended to convey.

In substance, then, this publication is intended as an abridgment of all the acts contained in the quarto edition of the Statutes relating to the Admiralty, with the introduction of other appropriate heads, and several additions made to the Marine Laws to the present time, arranged in a method, which for facility of reference and practical effect, it is suggested, is superior to the STATUTES RELATING TO THE ADMIRALTY.

Its object is to comprize all the Marine Acts down to the present date; to convey practical instructions upon all the numerous topics which these acts embrace; and to diffuse more generally a knowledge of the Marine Laws, which hitherto, comprized in the Admiralty Statutes, was accessible only to the flag officers and commanders of the Royal Navy. Leaving, therefore, those remoter researches, calculated only to gratify antiquarian curiosity, it is sufficient in this place to remark, that the Marine Law was

formerly known more from its own practice than the Law Books \* ; that the office of Lord High Admiral, and the court over which he presided, were of such high antiquity, and his powers so very unlimited, that they seem rather to have been *negatively* than *positively* defined ; and we find the Legislature interposing at various periods to limit and define his powers and jurisdiction.

Repeated clamours and complaints having been made, that the admirals and their deputies had held their sessions within divers places of the realm, as well within franchises as without, thereby assuming greater authority than belonged to their office, to the prejudice of the king, in violation of the common law—to the diminution of various franchises, and destruction and impoverishment of the people ; an act was passed to redress these grievances, whereby “ It is accorded and assented, That “ the admirals and their deputies should not “ meddle with any thing done within the “ realm, but only of things done upon the “ sea.”

15 Rich. 2. ft. 1.  
c. 5. Enforced  
by 2 Hen. 4.  
c. 11.  
Admirals not to  
meddle with  
any thing done  
within the  
realm.

Notwithstanding this restrictive act, we find the admirals continuing the proceedings complained of, perhaps conceiving themselves warranted in that extensive jurisdiction which, never having been defined, rested solely upon practice ; proceedings which, in the nervous language of legislation, were “ to the great “ prejudice of lords of franchises in diminishing

\* See Protest, contained in the Journals of the Lords, in the Case of the Earl of Torrington, who, in the reign of King William, questioned the authority of the Commissioners of the Admiralty, and maintained a right of being tried by his peers.

“ their profits, the oppression and impoverishment of all the commons, and hindrance and loss of the king’s profits, and those of many other lords, cities, and boroughs, through the realm.” To remedy these complaints, and more exactly to define the extent of the admiral’s jurisdiction, about two years afterwards a *declaratory* act was passed, declaring, “ That the admirals should have no manner of power, cognizance, or jurisdiction, touching any things done within the body of any county, nor of wreck of the sea ; but that all such matters should be tried and determined by the law of the land. Nevertheless of the death of a man, and of maihem, done in great ships being and hovering in the main stream of great rivers, beneath the bridges of the said rivers nigh to the sea, the admirals should have cognizance.”

Rich. 2. c. 1.

Admirals shall have cognizance of death of man and maihem, &amp;c.

By this act also the admiral is empowered “ to arrest ships in the great flotes for the great voyages of the king ; and he shall have jurisdiction upon the flotes during the voyages.”

May arrest ships.

It was not, however, deemed sufficient by the legislature to define and declare the jurisdiction of the admiral, and to restrain him within the limits of that jurisdiction, but it was also thought necessary to restrain persons from illegally suing in the admiral’s court. Accordingly by the 2 Hen. 4. c. 11. “ the two preceding acts of Richard are confirmed, and double damages, to be recovered by action on the case, to the party aggrieved, against any person suing illegally in the admiral’s court ; and a penalty of ten pounds to the king.” Judgment or sentence definitive in any marine cause, in appeal to chancery by delegates, shall be final.

2 Hen. 4. c. 11. Penalty of suing illegally in the admiral’s court.

8 Eliz. c. 5. Appeals.



Doubts having arisen in the case of Lord Torrington, whom the king wished to try by a court martial, but who insisted upon the right of being tried by his peers, whether the commissioners for executing the office of lord high admiral had in themselves, legally, and constitutionally, vested ALL the powers of the lord high admiral, an act was passed to set this question completely at rest, whereby it is *declared and enacted, That*

2 Will. & Mar.  
sess. 2. c. 2.  
Power of the  
lord high ad-  
miral vested in  
commissioners.

“ALL the authority, power, and jurisdiction lawfully vested in the lord high admiral shall be had, enjoyed, used, exercised, and executed by the commissioners for executing that office, to all intents and purposes as if the said commissioners were lord high admiral of England.”

4 Anne, c. 16.  
f. 17. Limitation  
of actions.

Suits in the court of admiralty for seamen's wages must be commenced within six years after such cause of action shall accrue. 4 Anne, c. 16. f. 17.

All suits or actions by or against persons beyond sea may be brought after their return \*. 4 Anne, c. 16. f. 18, 19.

Power of admi-  
nistering oaths.  
1 Geo. 1. f. 2.  
c. 25. f. 3.

Any lord of the admiralty, or their secretary, or the principal officers of the navy, *may administer oaths* relating to the king's treasures, stores, &c.

1 Geo. 1. f. 2.  
c. 25. f. 12.

The power given by this act to any officer or commissioner of the navy, may be exercised by the admiralty of Great Britain or Ireland.

Attornies and  
solicitors.

The act for the better regulations of attornies and solicitors shall not be construed to extend to the examination, swearing, admission, or

\* The six years do not begin to run until the party beyond sea shall have returned within the realm, and have been in a situation to apply either to the court of admiralty or a court of law.

inrollment of the *assistant to the council of the admiralty and navy*; but that such assistant may be examined, sworn, admitted, and practise, as he might have done before the making this act. This act is made perpetual by 30 Geo. 2. c. 19. sect. 75.

The commissioners for executing the office of lord high admiral, or any three of them, or any person or persons by them empowered or appointed, shall, at the request of owners, whom they shall deem fitly qualified, of any ship or vessel registered pursuant to the 26th of his present majesty, intituled, "An Act for the further Increase and Encouragement of Shipping and Navigation," (such owner giving such security as hereinafter required,) cause to be issued, in the usual manner, commissions or letters of marque and reprisal \*.

No fee to be taken for such licences.

For the more speedy bringing of offenders to justice, and to prevent the inconveniences occasioned by the want of frequently holding a session of admiralty for the trial of offences committed on the high seas, it is enacted, "That from and after the twelfth day of June one thousand seven hundred and ninety-three, a session of oyer and terminer and gaol delivery for the trial of offences committed within the jurisdiction of the admiralty shall be held twice, at the least, in every year, at Justice Hall, in the Old Bailey, London, or in such other place in England, and at such times in each year, as the admiralty shall, by any letter or order in writing under their hands, directed to the judge

2 Geo. 2. c. 23.  
f. 27.

30 Geo. 2. c. 19.

Admiralty may  
issue letters of  
marque.

33 Geo. 3. c. 66.  
f. 9.

38 Geo. 3. c. 76.  
f. 7.

A session for the  
trial of offences  
committed on  
the high seas to  
be held twice,  
at least, annu-  
ally.

33 Geo. 3. c. 66.  
f. 70.

\* For powers of the admiralty, relative to letters of marque and prizes, and regulations for determinations relative to the adjudication of prizes, see **LETTERS OF MARQUE, and PRIZES.**

33 Geo. 3. c. 66. “ of the admiralty for the time being, ap-  
“ point.”

Commissions for trying offences within the jurisdiction of the admiralty, and justices, may take informations touching offences committed upon the sea, and cause the parties to be apprehended and committed. Sect. 71.

Not only any one or more of the commissioners for the time being, named in the commission of oyer and terminer for the trying of offences committed within the jurisdiction of the admiralty ; but also any one or more of the justices of the peace for the time being, are authorized and empowered, from time to time, to take informations of any witnesses, in writing, upon oath, touching any murder, piracy, felony, or robbery, committed within the jurisdiction of the admiralty ; and thereupon, if such commissioners or justices shall see cause, by warrant under their hand and seal, to cause such person or persons so accused to be apprehended and committed to the gaol of the county or place where such information shall have been taken, there to remain until discharged by due course of law.

Commissioners and justices may oblige persons whose evidence they may think necessary to enter into recognizances. Sect. 72.

Commissioners, or justices of the peace, may bind all persons whom they shall judge necessary to prosecute and give evidence, against such person or persons as shall be so committed, to enter into recognizance to appear at the then next session held for the jurisdiction of the admiralty, to prosecute and give evidence against such person or persons as shall have been so committed.

Persons refusing to enter into recognizances may be committed. Sect. 71.

Persons refusing to enter into such recognizances to be committed until the next session of admiralty shall be held, or until they shall enter into such recognizances as are required,

Recognizances and informations touching offences to be transmitted to the register of the court of admiralty. Sect. 72.

Recognizances, together with the informations touching the offences wherewith the persons to be committed shall be charged, to be transmitted, with all convenient speed, to the register of the court of admiralty ; to be by him forthwith laid before the judge of the admiralty,

and afterwards to be kept among the records 33 Geo. 3. c. 66.  
of that court.

The marshal of the admiralty and his deputy, and all sheriffs, bailiffs, stewards, constables, headboroughs, tithing-men, keepers of gaols and prisons, and all other officers for keeping the peace, are respectively authorized and required diligently to execute, perform, and obey all such precepts, warrants, and orders, as shall be issued by the commissioners, or justices of the peace, touching any of the matters or things herein contained.

Marshal of the admiralty, &c. to execute warrants. Sect. 73.

This act to continue in force during the present hostilities with France, and no longer ; save and except such matters as shall be then depending in the courts of admiralty at home or abroad, or court of appeal, or any court of record in Great Britain, at the time when the present hostilities shall cease ; and also save and except all such other matters as shall be brought into any of the above-mentioned courts, in consequence of any captures made during the present hostilities, or of any offence committed contrary to this act ; in respect whereof this act shall continue in full force, until such matters, and every thing dependent thereupon, shall be finally adjudged and determined.

Continuance of the act. Sect. 74.

Admiralty to give notice in the Gazette, that masters or other persons having charge of ships or vessels required by this act not to sail without convoy, shall have on board flags to answer signals, without which such ships or vessels shall not be cleared outwards, 33 Geo. 3. c. 76. § 9.

Admiralty to appoint convoys, and may grant licences to vessels to sail without convoy.

*Mode of Proceeding in the COURT OF ADMIRALTY.*

## CIVIL JURISDICTION.

THE Proceedings of the Court of Admiralty are according to the method of the ecclesiastical courts, and held at the same place.—It is no court of record ; and an appeal from its decision lies to the court of delegates.

*Appeals* from the vice-admiralty courts in America, and our other settlements abroad, which are branches of this court, may be brought before the court of admiralty here, or before the king in council.

The advantages resulting to mariners from suing in the court of admiralty are, 1st, That all may join in a suit for wages, whereby the expence is considerably lessened, which cannot be done in the courts of law ; and, 2dly, The ship itself is responsible in the admiralty, and not the owners. So far is this principle carried, that if a master designing to go a voyage, hires and takes on board seamen for that purpose, and afterwards the owners disagree about sending the ship upon that voyage ; and the seamen are thereupon discharged ; they have the same remedy in the admiralty for their wages as if the ship had actually gone the voyage. But it is to be observed, that this privilege of suing in the court of admiralty is confined only to mates and mariners, and does not extend to the master, for the master's contract is founded upon the credit of *the owner*, and that of the mariner upon the credit of *the ship*.

## CRIMINAL JURISDICTION.

The judge of the admiralty presides in this court, as the deputy of the lord high admiral ; and the court may be held in any place.—Of the commissioners nominated by the lord chancellor, two common law judges are constantly appointed.—Although the judges try the prisoner, yet the judge of the admiralty always presides, in the same manner as the lord mayor at the sessions held within the city of London.

By the late act of 39 Geo. 3. it is enacted, That all offences committed upon the high seas, out of the body of any county, shall be, and are declared to be, offences of the same nature respectively, and liable to the same punishments respectively, as if they had been committed upon the shore.—So that all offences committed on the high seas are now to be heard and determined before a jury, as at common law \*.

\* For a more detailed account of the criminal jurisdiction of the admiralty, see **PIRACY**.—For the powers of the admiralty to grant protections to watermen and apprentices—to admit pensioners to Greenwich Hospital—to grant letters of marque—adjudication of prizes—seamens wages, &c.—see the respective heads **APPRENTICES**, **GREENWICH HOSPITAL**, **LETTERS OF MARQUE**, **PRIZES**, **SEAMENS WAGES**, &c.

## Apprentices, Marine,

**T**HE several acts, of which abstracts are hereafter sub-joined, point out the mode by which parish officers may bind poor apprentices to the sea service, regulate the forms of the indentures, declare the privileges of such apprentices, their mode of assignment, their wages ; in short, every salutary regulation of their conduct, while serving on board of merchantmen, which may tend to make them experienced seamen, and qualified for the British navy.

In framing these acts, the wisdom and sound policy of the legislature may be contemplated with peculiar pleasure ; since, while affording relief to the industrious Poor, they at the same time are rendered subservient to the important purposes of forming a nursery of seamen for the service of the Navy.

### *Abstract of Acts of Parliament relating to* APPRENTICES.

Parish boys, how  
to be bound ap-  
prentices, and by  
whom.

2 & 3 Anne, c. 6.

**PARISH** boys, ten years old, may be bound apprentices to the sea-service, till twenty-one, by the churchwardens and overseers, with the approbation of two justices, or of the mayor, &c.

Age of appren-  
tices.  
May be assigned  
by executor.

4 Anne, c. 19.

No master of a ship obliged to take an apprentice under thirteen years of age, or who is not healthy or strong ; and any widow of such master, or his executor or administrator, who shall have been obliged to take parish boys apprentices, may have power of assigning them over to another master of a ship.

Age to be in-  
serted.

2 & 3 Anne, c. 6.

The boy's age to be inserted in the inden-  
tures.

Allowances for  
cloathing and  
bedding for ap-  
prentices.

2 & 3 Anne, c. 6. s. 2.

Churchwardens and overseers to pay the  
master 50s. for cloathing and bedding for the  
boy.

No such apprentice to be impressed till eighteen years of age, or permitted to enter himself into his majesty's service at sea till that time.

Privileges of apprentices to the sea service.  
2 & 3 Anne, c. 6.  
f. 4.

Churchwardens shall send the indentures to the collector of the customs, at the port to which the master belongs, who is to register them, and make an indorsement upon the indentures of the registry, and transmit a certificate to the admiralty, containing the apprentice's age and name, and to what ship he belongs, who are to grant protections from time to time without fee or reward.

Indentures, how and by whom to be transmitted.  
2 & 3 Anne, c. 6.  
f. 5.

Collectors refusing or neglecting to register and indorse such indentures to forfeit 5l. for the use of the poor of the parish from whence such boy was bound apprentice.

2 & 3 Anne, c. 6.  
f. 5.  
Penalty.

Any person to whom a parish boy has been bound *apprentice* may, with consent and approbation of two or more justices of peace of the same county, and dwelling in or near the parish where such boy was bound apprentice, or of the mayor, aldermen, &c. turn over such apprentice to the master or owner of a ship for the remaining time of his apprenticeship, with assignment of such apprentices. All which indentures of assignment to be registered, and certificates transmitted to the admiralty, who are to give protections gratis.

How to be turned over.  
2 & 3 Anne, c. 6.  
f. 6. and 4 Anne,  
c. 19. f. 16.

Such apprentices exempted from paying the 6d. a month to Greenwich Hospital till they are eighteen years of age.

Not liable to pay to Greenwich Hospital till eighteen years of age.

2 & 3 Anne, c. 6. f. 7. and 2. Geo. 2. c. 7. and 36.

Masters of ships from the burthen of thirty to fifty tons obliged to take one such apprentice, and one more for the next fifty tons, and one more for every hundred tons that such ship shall exceed the burthen of one hundred tons.

Masters of ships to take apprentices in proportion to tonnage,



Penalties of refusing to take apprentices.

2 & 3 Anne, c. 6. f. 8. and

4 Anne, c. 19. f. 16.

Number of apprentices to be given in to the port collector.

2 & 3 Anne, c. 6. f. 9.

Men and boys, including apprentices, to be inserted by the Custom House officer in the cocquet.—2 & 3

Same act, f. 15. explained by 4 Anne, c. 19. f. 17.

2 & 3 Anne, c. 6. f. 15.

4 Anne, c. 19. f. 17. and 13

Geo. 2. c. 17. f. 2.

2 & 3 Anne, c. 6. f. 17.

28 Geo. 2. c. 20. f. 5.

37 Geo. 2. c. 10. f. 16.

Masters refusing to take such apprentices to forfeit 10l. for the use of the poor of the parish from whence the boy was bound.

Masters of ships, before clearing out to give an account in writing of the names and number of their apprentices to the collector of the port.

Custom House officer to insert at the bottom of the cocquet the number of men and boys on board, describing the apprentices, and dates of their indentures, without fee or reward.

Voluntary apprentices to the sea service not to be impressed for three years, to be reckoned from the dates of their respective indentures. Indentures to be registered, certificates transmitted, and protections granted for the three years.

No apprentices to sea service of eighteen years of age shall be protected, or exempted from serving, who shall have been in any sea service before the time they bound themselves apprentice.

When such apprentice is impressed, or voluntarily enters himself in his majesty's service, the master to have able seamen's wages.

Every ship employed in the *Greenland* and *Davis' Straights* fishery, shall have an apprentice bound for three years at least for every fifty tons burthen, who shall be reckoned as part of the complement.

Wages of apprentices entering the navy to be paid to the master, unless the apprentice was above eighteen years of age when bound, or rated as servant to an officer, to whom such apprenticeship was unknown.

For further particulars relative to marine apprentices, see FISHERIES of *Greenland* and *Davis's Straights*. 26 Geo. 3. c. 53. 32 Geo. 3. c. 22. 34 Geo. 3. c. 22 ; and *Southern Whale Fishery*, 35 Geo. 3. c. 92. 38 Geo. 3. c. 57. f. 8, 9, 10.

## Articles of War.

**I**N proportion as the Navy advanced in consequence, it became the wisdom of the legislature, to make such regulations, as were most consistent with the interest of the seamen, and conformable to the internal regulations of the maritime state.—To know the laws that bind us in the society of which we are members is the duty of every individual. Crimes are expressly defined, and their punishments accurately pointed out, in the system of criminal jurisprudence, as it is administered on shore : it was therefore but just, from the numbers and consequence of those valuable men who navigate our floating bulwarks, and who constitute a distinct class of the community, under the denomination of the maritime state, that they also, while dispersed over the ocean, should have a distinct code of Laws and Regulations for their conduct whilst on board.

Previous to the passing of the act of the 22d of his late majesty, c. 33. various acts of parliament had been made for enforcing naval discipline ; but *they* were too much scattered, and at the same time not sufficiently comprehensive. Accordingly, for want of precise rules to regulate naval discipline, we find, that not only the commanders of his majesty's navy were uncertain as to the degree of the offence and measure of punishment, but also the seamen were ignorant of the punishment they were to suffer, as well as unacquainted with those rules of moral regulation which it was their duty, because it was their happiness, to observe.

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The Acts of Parliament containing the Articles of War, viz. the 22 Geo. 2. c. 23. judiciously, and most humanely amended by the 19th of his present majesty, c. 17. s. 3. may be characterized

22 Geo. 2. c. 13. and 29 Geo. 3. c. 17. as to blending positive and definite rules of action, with discretionary power, that while the seaman thoroughly knows the laws which are to regulate his moral conduct, a discretionary power is vested in the breast of his judges from those circumstances of palliation which may arise in the almost infinite variety of moral agency, to adapt the scale of punishment to the exact measure of the specific offence; an advantage which the civil courts of criminal jurisprudence, bound down by positive law, do not possess, and which has long been the grand desideratum of criminal legislation.

As this head is peculiarly interesting to naval readers, it will doubtless be acceptable to give a brief analysis of the articles of war, as classed by the author of the "Treatise on Naval Courts Martial," whose professional habits and inclination enabled him to understand, and to collect, much information upon the subject he treats of; and from the work alluded to, copious extracts will be found under the subsequent head of Courts Martial.

Vide M'Arthur  
on Naval Courts  
Martial, p. 20.

From the time of the court of chivalry being abridged of its criminal jurisdiction, until after the restoration of Charles the Second, no regular court for the administration of martial law in the navy, appears to have been established. By the statute 13 Car. 2. c. 9. express rules, articles, and orders, were first enacted, by authority of parliament, for the better keeping up a regular discipline in his majesty's navy; and by the 22 Geo. 2. c. 23. and 19 Geo. 3. c. 17. these acts have been altered, amended, and new modelled.

In these articles almost every possible offence is set down, and the punishment annexed; in which respect the seamen have much the

M<sup>r</sup> Arthur on  
Naval Courts  
Martial.

advantage over their brethren in the land service, whose articles of war are not enacted by parliament, but framed from time to time at the pleasure of the crown ; which, with regard to military offences, hath a sole and almost absolute legislative power. For by the Mutiny Act annually passed, for punishing mutiny and desertion, and for the better payment of the army and their quarters, " his majesty may " form articles of war, and constitute courts " martial, with power to try any crime by such " articles, and inflict penalties by sentence or " judgment of the same." Mutiny Act, art. 57.

The several offences specified in the articles of war, and the punishments annexed to them, are strongly analogous to the criminal laws of the land denominated by the appellation of pleas of the crown.

The offences comprehended and specified in the naval articles of war, may, for the sake of perspicuity, be classed or distributed under the following general heads :

- 1st, Offences immediately against God and religion.
- 2dly, Such as affect the executive power of the state, and criminal negligence.
- 3dly, Such as infringe the rights of fellow subjects.
- 4thly, Offences military, and such as are peculiarly the objects of martial law.

Under the first head are classed those relative offences contained in the first and second articles, viz. neglecting public worship, and

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being guilty of prophane oaths, cursing, execrations, drunkenness, uncleanness, or other scandalous actions: the higher offence of blasphemy, although not distinctly specified, nevertheless by the words prophane oaths, cursings, and execrations, this crime is unquestionably implied. The punishment of this class is left to the discretion of a court martial.

The second division of crimes comprizes such as affect the executive power of the king and his government; and this division may be subdivided into the offences specified in the third, fourth, fifth, fifteenth, sixteenth, nineteenth, twentieth, twenty-second, twenty-fourth, twenty-fifth, twenty-seventh, and thirty-first articles of war, viz. holding intelligence with an enemy or rebel—concealing letters or messages from, or relieving an enemy or rebel—deserting to an enemy—running away with ships' stores, or yielding the same to an enemy—desertion from the service, or entertaining deserters—waste or embezzlement of stores—mutinous assemblies—seditious or mutinous words—concealing any traiterous or mutinous designs, &c.—striking, quarrelling, or disobeying the orders of a superior officer—sleeping upon the watch, neglecting duty, or forsaking a station allotted—and knowingly signing false muster books.

Under the third distribution of offences are those, that violate and transgress the rights and duties which men owe to their fellow-subjects, and which cannot be committed without a manifest violation of the laws of nature, of the moral as well as political rules of right, under which may be classed murder, sodomy, and robbery. Articles of war, 27, 28, and 29.

Offences strictly military, and which fall under the fourth and last distribution of general heads, are recited in the tenth, eleventh, twelfth, thirteenth, fourteenth, and seventeenth articles of war.

It is but justice to observe, that the marine code of criminal jurisprudence contained in the articles of war evinces a greater degree of lenity than is to be found either amongst the ancients or moderns.

By the judicious and humane amendment of the twelfth and thirteenth articles, under the former of which the unfortunate Admiral Byng suffered, and giving the court martial a discretionary power to pronounce sentence of death, *or to inflict such other punishment as the nature and degree of the offence therein recited shall be found to deserve*, the rules and regulations for the government of his majesty's navy may be justly said to have attained the summit of perfection. 19 Geo. 3. c. 17.  
f. 3.

#### ARTICLES of WAR.

THESE articles are contained in an act of parliament, intituled, "An Act for amending, 32 Geo. 2. c. 33.  
explaining, and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea."

Likewise some clauses of the act 19 Geo. 3. explaining and amending articles of the act passed in the 22d year of his late majesty King George II.

*These articles and orders are established from the 25th of December 1749; and are directed to be observed and put in execution as well in time of PEACE as in time of WAR.*

## ARTICLE

Divine worship.

I. ALL commanders, captains, and officers, in or belonging to any of his majesty's ships or vessels of war, shall cause the public worship of Almighty God, according to the liturgy of the church of England established by law, to be solemnly, orderly, and reverently performed in their respective ships; and shall take care that prayers and preaching, by the chaplain in holy orders of the respective ships, be performed diligently; and that the Lord's Day be observed according to law.

Swearing,  
drunkenness,  
scandalous ac-  
tions, &c.

II. All flag officers, and all persons in or belonging to his majesty's ships or vessels of war, being guilty of prophane oaths, curfings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of God's honour, and corruption of good manners, shall incur such punishment as a court martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

Holding intelli-  
gence with an  
enemy or rebel.

III. If any officer, mariner, soldier, or other person of the fleet, shall give, hold, or entertain intelligence to or with any enemy or rebel, without leave from the king's majesty, or the lord high admiral, or the commissioners for executing the office of lord high admiral, commander in chief, or his commanding officer, every such person so offending, and being thereof convicted by the sentence of a court martial, shall be punished with death.

Letter or mes-  
sage from an e-  
nemy or rebel.

IV. If any letter or message from any enemy or rebel be conveyed to any officer, mariner, or soldier, or other in the fleet, and the said officer, mariner, soldier, or other as aforesaid, shall not within twelve hours, having opportunity so to do, acquaint his superior officer, or the officer commanding in chief with it; or if any superior

officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief of the Squadron, every such person so offending, and being convicted thereof by the sentence of the court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

V. All spies, and all persons whatsoever, who shall come, or be found in the nature of spies, to bring or deliver any seducing letters or messages from any enemy or rebel, or endeavour to corrupt any captain, officer, mariner, or other in the fleet, to betray his trust, being convicted of any such offence, by the sentence of the court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose.

Spies, and all persons in the nature of spies.

VI. No person in the fleet shall relieve an enemy or rebel with money, victuals, powder, shot, arms, ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as the court martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Relieving an enemy or rebel.

VII. All the papers, charter-parties, bills of lading, passports, and other writings whatsoever, that shall be taken, seized, or found aboard any ship or ships, which shall be surprised or taken as a prize, shall be duly preserved, and the very originals shall, by the commanding officer of the ship which shall take such prize, be sent entirely, and without any fraud, to the court of admiralty, or such other court or commissioners as shall be authorized to determine

Papers, &c. found on board of prizes.



whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon according to law : upon pain that every person offending herein shall forfeit and lose his share of the captures, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve, and the court martial shall impose.

Taking money  
or goods out of  
prizes.

VIII. No person in or belonging to the fleet shall take out of any prize, or ship seized as a prize, any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of his majesty's ships or vessels of war, before the same be adjudged lawful prize in some admiralty court ; but the full and entire account of the whole, without embezzlement, shall be brought in, and judgment passed entirely upon the whole, without fraud : upon pain that every person offending herein shall forfeit and lose his share of the capture, and suffer such further punishment as shall be imposed by a court martial, or such court of admiralty, according to the nature and degree of the offence.

Stripping or ill-  
treating prison-  
ers.

IX. If any ship or vessel shall be taken as prize, none of the officers, mariners, or other persons on board her, shall be stripped of their cloaths, or in any sort pillaged, beaten, or evil entreated : upon pain, that the person or persons so offending shall be liable to such punishments as a court martial shall think fit to inflict.

Preparation for  
fight.

X. Every flag officer, captain, and commander in the fleet, who, upon signal or order of fight, or sight of any ship or ships which it may be his duty to engage, or who, upon like-

lihood of engagement, shall not make the necessary preparations for fight, and shall not in his own person, and according to his place, encourage the inferior officers and men to fight courageously, shall suffer death, or such other punishment as, from the nature and degree of the offence, a court martial shall deem him to deserve ; and if any person in the fleet shall treacherously or cowardly yield or cry for quarter, every person so offending, and being convicted thereof by sentence of a court martial, shall suffer death.

Yielding or crying for quarter.

XI. Every person in the fleet who shall not duly observe the orders of the admiral, flag officer, commander of any squadron or division, or other his superior officer, for assailing, joining battle with, or making defence against any fleet, squadron, or ship ; or shall not obey the orders of his superior officer as aforesaid in time of action, to the best of his power ; or shall not use all possible endeavours to put the same effectually in execution : every such person so offending, and being convicted thereof by the sentence of the court martial, shall suffer death, or such other punishment as, from the nature and degree of the offence, a court martial shall deem him to deserve.

Obedience to orders in battle.

XII. Every person in the fleet who, through cowardice, negligence, or disaffection, shall, in time of action, withdraw or keep back, or not come into the fight or engagement ; or shall not do his utmost to take or destroy every ship which it shall be his duty to engage ; and to assist and relieve all and every of his majesty's ships, or those of his allies, which shall be his duty to assist and relieve ; every such person so offending, and being convicted thereof

Withdrawing or keeping back from fight, &c.

by the sentence of a court martial, shall suffer death \*.

Forbearing to  
pursue an ene-  
my, &c.

XIII. Every person in the fleet who, through cowardice, negligence, or disaffection, shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying ; or shall not relieve and assist a known friend in view to the utmost of his power ; being convicted of any such offence, by the sentence of a court martial, shall suffer death.

Delaying or dis-  
couraging any  
service.

XIV. If, when action or any service shall be commanded, any person in the fleet shall presume to delay or discourage the said action or service, upon pretence of arrears of wages, or upon any pretence whatsoever ; every person so offending, being convicted thereof by the sentence of the court martial, shall suffer death, or such other punishment as from the nature and degree of the offence a court martial shall deem him to deserve.

De'erting to an  
enemy.  
Running away  
with ships'  
stores, &c.

XV. Every person in or belonging to the fleet, who shall desert to the enemy, pirate, or rebel ; or run away with any of his majesty's ships or vessels of war, or any ordnance, ammunition, stores, or provision belonging thereto, to the weakening of the service ; or yield up the same cowardly or treacherously to the enemy, pirate, or rebel ; being convicted of any such offence, by the sentence of the court martial, shall suffer death.

\* By act of parliament 19 Geo. 3. c. 17. s. 3. this article and the subsequent one are explained and amended thus: "And whereas the restraining of the power of the court martial to the inflicting of the punishment of death, in the several cases recited in the said clauses, may be attended with great hardship and inconvenience ; be it enacted, that from and after the passing of this act, it shall and may be lawful, in the several cases recited in the said clauses, for the court martial to pronounce sentence of death, or to inflict such other punishment as the nature and degree of the offence shall be found to deserve."

**XVI.** Every person in or belonging to the fleet, who shall desert, or intice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve, and a court martial shall judge fit. And if any commanding officer of any of his majesty's ships or vessels of war shall receive or entertain a deserter from any other of his majesty's ships or vessels, after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship or vessel to which such deserter belongs; or if the said ships or vessels are at any considerable distance from each other, to the secretary of the admiralty, or to the commander in chief; every person so offending, and being convicted thereof by the sentence of the court martial, shall be cashiered.

Desertion, and  
entertaining de-  
serters.

**XVII.** The officers and seamen of all ships appointed for convoys and guard of merchant ships, or of any other, shall diligently attend upon that charge, without delay, according to their instructions in that behalf; and whosoever shall be faulty therein, and shall not faithfully perform their duty, and defend the ships and goods in their convoy, without either diverting to other parts or occasions, or refusing or neglecting to fight in their defence if they be assailed, or running away cowardly, and submitting the ships in their convoy to peril and hazard; or shall demand or exact any money or other reward from any merchant or master for conveying of any ships or vessels entrusted to their care; or shall misuse the masters or mariners thereof; shall be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge; and also be punished criminally,

Convoys.

according to the quality of their offensees, be it by pains of death, or other punishment, according as shall be adjudged fit by the court martial.

Receiving goods  
and merchan-  
dize on board.

XVIII. If any captain, commander, or other officer of any of his majesty's ships or vessels, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver, or jewels, and except the goods and merchandizes belonging to any merchant or other ship or vessel, which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of the court martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his majesty, his heirs and successors \*.

\* By an after-clause in this act, it is further enacted, " That from  
" and after the twenty-fifth of December 1749, if any captain,  
" commissioner, or other officer of any of his majesty's ships or vessels,  
" shall receive on board, or permit or suffer to be received on board  
" such ship or vessel, any goods or merchandizes, contrary to the true  
" intent and meaning of the eighteenth article of this act, every such  
" captain, commissioner, or other officer, shall for every such offence,  
" over and above any punishment inflicted by this act, forfeit and pay  
" the value of all and every such goods and merchandizes so received,  
" or permitted or suffered to be received on board as aforesaid, or the  
" sum of 500*l.* of lawful money of Great Britain, at the election of the  
" informer or person who shall sue for the same, so that no more  
" than one of these penalties or forfeitures shall be sued for and

XIX. If any person in or belonging to the fleet shall make, or endeavour to make, any mutinous assembly, upon any pretence whatsoever, every person offending herein, and being convicted thereof by the sentence of the court martial, shall suffer death. And if any person in or belonging to the fleet shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court martial shall deem him to deserve. And if any officer, mariner, or soldier, in or belonging to the fleet, shall behave himself with contempt to his superior officer, such superior officer being in the execution of his office, he shall be punished according to the nature of the offence by the judgment of a court martial.

Mutinous assembly.

Seditious words.

Contempt to superior officers.

XX. If any person in the fleet shall conceal any traitorous or mutinous design, being convicted thereof by the sentence of a court martial, he shall suffer death, or such other punishment as a court martial shall think fit; and if any person in, or belonging to the fleet, shall conceal any traitorous or mutinous words spoken by any to the prejudice of his majesty or government; or any words, practice, or design tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer; or being present at any

Concealing traitorous or mutinous designs, &c.

“ recovered by virtue of this act. One moiety of which penalties or  
 “ forfeitures shall be forfeited and paid to the person who shall inform  
 “ and sue for the same, and the other moiety thereof to and for the use  
 “ of the Royal Hospital at Greenwich; which forfeiture shall be sued  
 “ for by action of debt, bill, plaint, or information, in any of his  
 “ majesty’s courts of record at *Westminster*, or in the high court  
 “ of admiralty, at the election of the informer or person who shall sue  
 “ for the same; and the court shall award such costs to the parties  
 “ as shall be just; and in all cases where judgment or sentence shall  
 “ be given against any such offender, the court shall, with all convenient  
 “ speed, certify the same to the lord high admiral, or to the  
 “ commissioners for executing the said office.”

mutiny or sedition, shall not use his utmost endeavours to suppress the same ; he shall be punished as a court martial shall think he deserves.

No person, upon any pretence, to attempt to stir up disturbance.

XXI. If any person in the fleet shall find cause of complaint of the unwholesomeness of the victual, or upon other just grounds, he shall quietly make the same known to his superior or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the matter may require ; and the said superior, captain, or commander in chief, shall, as far as he is able, cause the same to be presently remedied ; and no person in the fleet, upon any such or other pretence, shall attempt to stir up any disturbance, upon pain of such punishment as a court martial shall think fit to inflict, according to the degree of the offence.

Striking a superior or officer.

XXII. If any officer, mariner, soldier, or other person in the fleet, shall strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever, every such person, being convicted of any such offence by the sentence of a court martial, shall suffer death ; and if any officer, mariner, soldier, or other person in the fleet, shall presume to quarrel with any of his superior officers, being in the execution of his office, or shall disobey any lawful command of any of his superior officers ; every such person, being convicted of any such offence by the sentence of a court martial, shall suffer death, or such other punishment as shall, according to the nature and degree of the offence, be inflicted upon him by the sentence of a court martial.

Quarrelling.

Disobedience.

**XXIII.** If any person in the fleet shall quarrel or fight with any other person in the fleet, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall, upon being convicted thereof, suffer such punishment as the offence shall deserve, and a court martial shall impose.

Fighting.

Provoking  
speeches, &c.

**XXIV.** There shall be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof; but the stores and provisions shall be carefully preserved, upon pain of such punishment, to be inflicted upon the offenders, abettors, buyers, and receivers (being persons subject to naval discipline), as shall be, by a court martial, found just in that behalf.

Embezzlement  
of stores,

**XXV.** Every person in the fleet, who shall unlawfully burn, or set fire to, any magazine or store of powder, or ship, boat, ketch, hoy, or vessel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate, or rebel, being convicted of any such offence, by the sentence of a court martial, shall suffer death.

Burning a magazine, ship, &amp;c.

**XXVI.** Care shall be taken in the conducting and steering of any of his majesty's ships, that through wilfulness, negligence, or other defaults, no ship be stranded, or run upon any rocks or sands, or split or hazarded; upon pain, that such as shall be found guilty therein be punished by death, or such other punishment as the offence, by a court martial, shall be judged to deserve.

Steering and  
conducting  
ships, &c.

**XXVII.** No person in or belonging to the fleet shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station, upon pain of death, or such other

Sleeping, negligence, and forsaking a station.



punishment as a court martial shall think fit to impose, and as the circumstance of the case shall require.

**Murder.**

XXVIII. All murders committed by any person in the fleet, shall be punished with death, by the sentence of a court martial.

**Sodomy.**

XXIX. If any person in the fleet shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, by the sentence of a court martial.

**Robbery.**

XXX. All robbery committed by any person in the fleet, shall be punished with death, or otherwise, as a court martial, upon consideration of circumstances, shall find meet.

**False musters.**

XXXI. Every officer, or other person in the fleet, who shall knowingly make or sign a false muster or muster book ; or who shall command, counsel, or procure the making or signing thereof ; or who shall aid or abet any other person in the making or signing thereof ; shall, upon proof of any such offence being made before a court martial, be cashiered, and rendered incapable of further employment in his majesty's naval service.

**Apprehending and keeping criminals.**

XXXII. No provost martial belonging to the fleet shall refuse to apprehend any criminal, whom he shall be authorized by legal warrant to apprehend ; or to receive or keep any prisoner committed to his charge ; or wilfully suffer him to escape, being once in his custody ; or dismiss him without lawful order ; upon pain of such punishment as a court martial shall deem him to deserve ; and all captains, officers, and others in the fleet, shall do their endeavour to detect, apprehend, and bring to punishment, all offenders, and shall assist the officers appointed for that purpose therein, upon pain of

**Bringing offenders to punishment.**

being proceeded against, and punished by a court martial according to the nature and degree of the offence.

XXXIII. If any flag officer, captain, or commander, or lieutenant belonging to the fleet, shall be convicted, before a court martial, of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an officer, he shall be dismissed from his majesty's service.

Behaving unbecoming an officer.

XXXIV. Every person being in actual service and full pay, and part of the crew in or belonging to any of his majesty's ships or vessels of war, who shall be guilty of mutiny, desertion, or disobedience to any lawful command, in any part of his majesty's dominions on shore, when in actual service relative to the fleet, shall be liable to be tried by a court martial, and suffer the like punishment for every such offence as if the same had been committed at sea, on board any of his majesty's ships or vessels of war.

Mutiny.  
Desertion.  
Disobedience when on shore in the king's dominions.

XXXV. If any person who shall be in actual service and full pay in his majesty's ships and vessels of war, shall commit upon the shore, in any place or places out of his majesty's dominions, any of the crimes punishable by these articles and orders, the person so offending shall be liable to be tried and punished for the same, in like manner, to all intents and purposes, as if the said crimes had been committed at sea, on board any of his majesty's ships or vessels of war.

Crimes committed on shore out of the king's dominions.

XXXVI. All other crimes, not capital, committed by any person or persons in the fleet, which are not mentioned in this act, or for which no punishment is hereby directed to be inflicted, shall be punished according

Crimes not mentioned in this act.

to the laws and customs in such cases used at sea.

The foregoing articles extended to officers and seamen serving in the lakes, &c. in *North America*.

29 Geo. 2. c. 27.

All the articles, orders, powers, authorities, clauses, matters, and things, contained in the above act of 22 Geo. 2. c. 33. shall be deemed and taken to be in full force, and shall be observed, used, exercised, performed, and executed for the trial and punishment of all offences specified therein, which shall be committed by any officers, seamen, or other persons respectively, who do, or for the time being shall serve on board of any of his majesty's ships or vessels employed in or upon such lakes, great waters, or rivers, in *North America*, as fully and effectually, to all intents and purposes, as if the same offences or offence had been committed upon the main sea, or in great rivers, beneath the first bridges of the said rivers nigh to the sea, or in any haven, river, or creek, within the jurisdiction of the admiralty of Great Britain.

## Ballastage on the Thames.

THE preamble to these acts recites “ the 6 Geo. 3. c. 29.  
 “ sole right of supplying all ships and vessels “ 1.  
 “ with ballast, that sail, pass, and repass on the  
 “ river Thames, between London Bridge and  
 “ the main sea, to be vested, by grants from  
 “ the crown, in the master, wardens, and  
 “ assistants of the Trinity House of Deptford  
 “ Strond, in the county of Kent; that they  
 “ have constantly employed sixty ballast  
 “ lighters, and one hundred and twenty men,  
 “ to dig and raise ballast from the shelves of the  
 “ river, and to convey the same to vessels  
 “ having occasion for it, whereby the channels  
 “ of the river have been considerably deepened,  
 “ and several of the obstructions to navigation  
 “ removed; that the net profits arising from  
 “ the accustomed rates and duties are applied  
 “ to the relief of many hundreds of decayed  
 “ seamen, their widows and orphans; that  
 “ great frauds had been committed by the  
 “ ballast men in not delivering due tonnage of  
 “ ballast; that combinations had been entered  
 “ into by the ballast-men refusing to supply  
 “ ships with ballast at the usual and accu-  
 “ tomed rates.”—Upon these principles an act  
 was passed for “ remedying and preventing  
 “ such frauds and abuses as aforesaid, and pre-  
 “ serving the navigation of the River Thames,  
 “ and promoting and encouraging the trade of  
 “ this kingdom.”

Ships having occasion for ballast shall pay to the Trinity House, for all ballast demanded, and entered at the ballast office of the said corporation, after the following rates :

Prices to be paid  
for ballast.

For every ton of ballast, consisting of twenty hundred weight, carried to any ship or vessel employed in the coal trade, the sum of twelve-pence.

For every such ton carried to any other British vessel, fifteen-pence.

And nineteen-pence for every ton of ballast carried to any foreign ship or vessel.

6 Geo. 2. c. 29.  
c. 1.

The said corporation of Trinity House shall pay for raising and carrying every ton of ballast, consisting of twenty hundred weight, the sum of ninepence, whereof sixpence shall be paid to the two ballast men for their labour, and threepence for the use of the ballast lighters employed in that service.

6 Geo. 2. c. 29.  
f. 2.

Price of washed ballast not altered.

6 Geo. 2. c. 29.  
f. 3.

Penalty of 2s. 6d. *per* ton on ballast-men delivering short quantities, or neglecting to deliver, &c.

By whom deficiencies to be  
made good, and  
penalties.

6 Geo. 2. c. 29.  
f. 4.

Trinity House, Deptford Strond, to make good deficiency in quantity, either in ballast or money, at the option of the person aggrieved; and if such satisfaction be refused to be made, or shall not be made within ten days after the same shall be demanded, then the said corporation, in every such case, shall forfeit and pay the sum of 50l. (to be recovered by bill, plaint, or information, in any of his majesty's courts at Westminster); one moiety of which penalty to be applied to the use of the poor of the parish where such offence shall be committed, and the other to the person who shall sue for the same; which recompence, payment, and satisfaction, the said corporation are hereby authorized to stop out of the wages due to such ballast-men, as shall offend in delivering short tonnage or ballast, over and above the penalties inflicted hereby, for every such offence.

Masters of ships not to compel ballast-men to deliver contrary to order. If any master, mate, or other officer of any ship or vessel, shall fraudulently, or by collusion with any ballast-men, take or receive on board any greater quantity of ballast than they respectively shall enter or pay for at the said ballast office, every person so offending shall forfeit and pay the sum of 2s. 6d. for every ton of ballast so fraudulently received.

6 Geo. 2. c. 29.  
f. 5.  
Forfeitures for receiving on board greater quantities of ballast than paid for.

5l. Penalty on ballast-men refusing to work, or quitting the service of the Trinity House without three months notice in writing, or working in other stations than directed, or entering into combinations to raise wages.

6 Geo. 2. c. 29.  
f. 6.  
Penalties on refusing to work.

Burden of ballast-lighters to be marked on the stem and stern; and if any one shall offend in the premises, or shall remove, alter, or deface any gauge mark of any such lighter, shall, for every such offence, forfeit or pay the sum of 5l.

6 Geo. 2. c. 29.  
f. 7.  
32 Geo. 2. c. 16.  
f. 6.

Masters of ships may appoint persons to inspect the marks of lighters.

6 Geo. 2. c. 29.  
f. 8.

On suspicion of altering the marks, lighters to be reweighed. If the marks are found right, the charge to be paid by the persons requiring the lighter to be reweighed; if wrong, by the *Trinity House*.

6 Geo. 2. c. 29.  
f. 8.

5ol. Penalty on the *Trinity House* neglecting to reweigh.

6 Geo. 2. c. 29.  
f. 8.

Only two lighters to be reweighed in one week.

6 Geo. 2. c. 29.  
f. 9.

Only one lighter to be reweighed in one week, when the said corporation shall have reason to suspect that the gauge mark hath been removed, altered, or changed; and on

32 Geo. 2. c. 16.  
f. 7.

being found to be of greater tonnage than the mark, the owner of such lighter shall forfeit and pay the sum of 5l.

6 Geo. 2. c. 29.  
f. 10.

Masters of ships to inspect the depth at which a lighter swims, before and after delivering ballast.

6 Geo. 2. c. 29.  
f. 11.

5l. Penalty for obstructing them, or not trimming the lighter even.

And 10l. penalty for working lighters not weighed and marked, or defacing the marks.

32 Geo. 2. c. 16.  
f. 6.

5l. Penalty for removing, defacing, or counterfeiting, any gauge-mark, or number of ballast-lighters.

6 Geo. 2. c. 29.  
f. 12.

40s. Penalty on ballast-men demanding money as fee or reward.

6 Geo. 2. c. 29.  
f. 13.

Ballast-men subject to the regulation of the Trinity House, provided such regulations do not extend to the lowering the wages of the said ballast-men.

6 Geo. 2. c. 29.  
f. 14.

Masters of ships may carry from *the Thames* dung, chalk, rubbish, or other goods, furnished as ballast by *the Trinity House*, subject to the rates.

6 Geo. 2. c. 29.  
f. 15.

32 Geo. 2. c. 16.  
f. 3.

Entry being made at the ballast-office of *the Trinity House* at London or Gravesend.

6 Geo. 2. c. 29.  
f. 16.

1d. A ton to be paid for licence.

32 Geo. 2. c. 16. f. 3.

6 Geo. 2. c. 29.  
f. 17.

32 Geo. 2. c. 16.  
f. 4.

5l. Penalty for taking such goods without such entry and payment; one moiety of which to be applied for the use of the poor of the Trinity House, and the other moiety to the person who shall inform or sue for the same.

6 Geo. 2. c. 29.  
f. 18.

32 Geo. 2. c. 16.  
f. 2.

Not above three thousand tons of dung, and three thousand tons of chalk, and two thousand

tons of soap ashes, and other goods to be shipped as ballast by coasters and colliers in one year, to commence and be computed from the first day of *June* inclusive in every year.

Entries of such goods, shipped in the last seven days of May to be made at the ballast office of the Trinity House in London, and not at Gravesend.

Entry to be made of all commodities shipped as ballast, and one penny *per* ton paid for a licence to the Trinity House. 6 Geo. 2. c. 29. f. 19. 32 Geo. 2. c. 16. f. 3.

Ships may take bricks, tiles, lime, or other merchandizeable commodity, without paying for it as ballast. 6 Geo. 2. c. 29. f. 20. 32 Geo. 2. c. 16. f. 5.

Forfeitures applied to the Trinity House to defray losses, and to their poor. 6 Geo. 2. c. 29. f. 22.

Two justices, not of the Trinity House, for London, Middlesex, Essex, Kent, or Surrey, to determine offences, and to levy penalties by distress or commitment. 6 Geo. 2. c. 29. f. 22.

May mitigate penalties not below one half. 6 Geo. 2. c. 29. f. 23.

Appeal to quarter sessions, any persons finding themselves aggrieved, or remaining unsatisfied in the judgment of the said justices. 6 Geo. 2. c. 29. f. 24.

Masters of ships throwing ballast, &c. in harbours, except upon dry land, being convicted before a justice of peace, to be fined not more than 5l. nor less than 50s. 19 Geo. 2. c. 22.

The penalty to be levied by distress and sale; for want of distress to be committed for two months, or until payment shall be made of the forfeiture. 19 Geo. 2. c. 22. f. 2.

Three thousand tons of dung, compost, earth, or soil (besides two thousand tons from the lay- 32 Geo. 2. c. 16. f. 2.



stalls in London), and three thousand tons of chalk and chalk rubbish, and two thousand tons of soap ashes and other commodities, may be laden as ballast in the Thames.

32 Geo. 2. c. 16.  
f. 7.

5l. Penalty on the owner of a ballast-lighter being of greater tonnage than marked.

32 Geo. 2. c. 16.  
f. 8.

Vessels in the Thames to unload their ballast above high water mark, or into lighters of the Trinity House:

32 Geo. 2. c. 16.  
f. 8.

5l. Penalty on the Trinity House, neglecting to furnish lighters (unless prevented by frost or stormy weather); one moiety of which to be applied to the use of the poor of the parish or place where the offence shall be committed; and the other moiety to the person who shall sue for the same.

32 Geo. 2. c. 16.  
f. 9.

The Trinity House to be paid 6d. *per* ton for ballast unloaded into their lighters.

32 Geo. 2. c. 16.  
f. 10.

5l. Penalty for unloading ballast below high water mark in the Thames.

32 Geo. 2. c. 16.  
f. 11.

40s. Penalty for throwing rubbish from any wharf or lighter into the Thames.

32 Geo. 2. c. 16.  
f. 12.

Ballast for coasters or colliers to be carried in marked lighters, and thence delivered on board, on penalty of 5l.

32 Geo. 2. c. 16.  
f. 15.

Lessees and occupiers of lay-stalls in London may ship annually two thousand tons of dung, compost, earth, or soil, as ballast.

32 Geo. 2. c. 16.  
f. 18.

Any justice for the place may convict offender, on view or information, of throwing ballast, rubbish, &c. into the River Thames.

32 Geo. 2. c. 16.  
f. 19.

Inhabitants may be witnesses.

32 Geo. 2. c. 16.  
f. 26.

The justices may mitigate the penalties not above one moiety.

## Boats, Barges, &c.

### IN THE INLAND NAVIGATION.

**I**T having been thought expedient by the legislature to ascertain the quantity of vessels employed in the inland trade, and the number of men retained in navigating the same, it was enacted as follows :

Every lighter, barge, boat, wherry, or other vessel, exceeding the burden of thirteen tons, which, from and after the 15th day of June 1795, shall be worked, rowed, or navigated, upon any river, canal, or other inland water or navigation in Great Britain, shall be registered in manner hereinafter-mentioned ; and the person or persons claiming the property therein shall, on or before the said 1st of September, cause the same to be registered, and obtain a certificate of such registry from the clerk of the peace, town clerk, &c. of the county, riding, shire, or place, to which such lighter, &c. shall belong, in the manner hereinafter directed ; and every such register and certificate shall truly set forth, whether the vessel be a lighter, barge, boat, wherry, or what other vessel, and also the name or names, with the places of abode, of the master thereof, together with the number and capacities, of all persons then and usually employed in working the same ; and also the burden thereof ; and also shall give a just account of the line and extent of the navigation in which such vessel hath been usually navigated ; and where situated.

35 Geo. 3. c. 58.  
Lighters, barges,  
&c. to be regis-  
tered.

By 35 Geo. 3.  
c. 112. this time  
is extended to  
September 1,  
1795.

2s. 6d. and no more, to be paid for such registry and certificate.

35 Geo. 3. c. 58.  
f. 1. and 35 Geo.  
3. c. 112. f. 3.

35 Geo. 3. c. 50.

l. 2.

Particulars to be  
verified on oath.

Particulars inserted in the register and certificate to be verified on the oath of the master of such vessel previous to the registry thereof, if the same shall be required by any person appointed by the commissioners of the admiralty.

35 Geo. 3. c. 50.

l. 3.

Surveyor to be  
appointed.

The commissioners of the admiralty are authorized, to appoint persons to survey and admeasure all such vessels as shall be kept or worked upon any such river, &c. ; and the master of any such vessel which shall have been registered, shall, upon demand, produce such certificate of registry to such officers, who are authorized to go on board every such vessel (whether registered or not), and accurately examine and admeasure the same, so as to have every particular inserted in the register, in the presence of the master, and shall set down in writing a just account of all such particulars, and shall require the master to sign his name thereto ; and such master shall sign his name to such account accordingly, unless he dissent from the particulars set forth therein ; in which case such master is required to set down in writing his reasons for such dissent at the foot of such account, and sign the same accordingly.

35 Geo. 3. c. 58.

and 112.

Penalty upon  
persons not re-  
gistering.

Persons not registering nor demanding a certificate of register, pursuant to this act, within the time limited, or wilfully delivering a false description of any of the particulars hereby required to be contained in such register and certificate ; or wilfully obstructing any surveying officer, or his assistants, in surveying or admeasuring any such vessel, or in going on board, or being on board the same for that purpose, or shall assault such surveying officer, or his assistants, in the execution of this act ; or if any person herein authorized

to make such registry, and grant such certificate, or to survey and admeasure any such vessel, shall knowingly make any false register, or make out any false account of the particulars required by this act, or shall refuse or wilfully neglect to grant a certificate (the same being demanded according to the directions of this act), shall, upon conviction, forfeit 20*l*.

35 Geo. 3. c. 58.  
and 112.

Lighters, barges, &c. worked, rowed, or navigated upon any river, &c. at any time after the first of September 1795, during the continuance of this act, without being duly registered, shall be forfeited, and may be seized by any surveying officer appointed under this act; and the master thereof shall, for every ton which such unregistered lighter, barge, &c. shall be worked, forfeit the sum of 10*l*.

35 Geo. 3. c. 58.  
and 112. s. 3.  
Forfeiture incurred by unregistered lighters.

The true number of tons burthen of such vessels, and also the names of the owners thereof, and the place to which such vessel shall belong, are to be painted in large white capital figures, on a black ground, four inches in length at the least, and of a proportionable breadth, on the outside of the stern, higher than the place to which the same shall sink into the water when fully laden, and to continue the same thereupon in a distinct and legible manner; and every owner or master who shall navigate the same, without having such figures thereon, or who shall wilfully alter or destroy such figures, or any part thereof, shall, for every offence, pay a sum not exceeding 20*l*. nor less than 5*l*.

35 Geo. 3. c. 58.  
s. 6.  
Tonnage, &c. to be painted outside.

Every lighter, &c. which shall begin to be kept or worked at any time after the said first of September 1795, and during the continuance of this act, shall be duly registered, surveyed, or

Lighters to be surveyed.  
35 Geo. 3. c. 58.  
s. 7. and 35  
Geo. 3. c. 112.  
s. 3.

35 Geo. 3. c. 58.  
 f. 7. and 35  
 Geo. 3. c. 112.  
 f. 3.

admeasured, and the burthen thereof ascertained and duly marked, according to the directions of this act, before the same shall be so worked, under pain of forfeiting the penalties and forfeitures hereinbefore mentioned, with respect to the like vessels so worked, rowed, or navigated, on or before the first of September 1795.

Registers to be  
 transmitted to  
 the Admiralty.  
 35 Geo. 3. c. 58.  
 f. 8.

Registers are to be entered in a book, and an extract of them to be transmitted to the Admiralty (under penalty of 100*l.*), by persons who are authorized to register and grant certificates.

Counties, &c.  
 to be ascertained.  
 Sect. 9.

The county, riding, division, shire, stewardry, or place, to which any such lighter, &c. shall be taken to belong, for the purposes of this act, shall be any one of the counties, &c. in which such river, &c. wherein such lighter, &c. shall be worked shall run or be, or in which the master shall actually reside.

False oaths.  
 Sect. 10.

Persons taking false oaths, where oaths are required to be taken by this act to be guilty of perjury; and counterfeiting, erasing, altering, or falsifying any certificate required by this act, or knowingly making use of any such counterfeit certificate, to forfeit 100*l.* for every such offence.

Extension of  
 this act.  
 Sect. 11.

This act not to extend to vessels of the royal family, nor to boats used solely for pleasure.

Penalties, how  
 to be sued for.  
 Sect. 12.

Penalties and forfeitures to be sued for as directed for penalties and forfeitures for offences against the excise laws.

Duration of the  
 act.

This act to have continuance until the fifth of April 1798, and then until the end of the then next session of parliament \*.

\* For further particulars relative to Boats, &c. liable to seizure—  
 see SMUGGLING.

## Bullion.

**T**HE deficiency of the precious metals in the reign of King William, the sums required for the national expenditure; and the debasement of the coin; induced the legislature to pass an “Act to encourage the bringing Plate into the Mint to be coined; and for the remedying the ill State of the Coin of the Kingdom; and for the more effectual prohibiting the melting down the Coin of the Kingdom, and Silver Plate wrought within the Realm; and the Exportation of the molten Silver and Bullion of the Kingdom,” enacted,

The provisions of this act are as follow :

“ That no molten silver or bullion whatsoever shall be put on board any ship or vessel whatsoever, either in bars, ingots, wedges, cakes, pinas, or in any other form whatsoever, unless a certificate be first obtained from the court of the lord mayor and aldermen of the city of London, upon oath, by the owner of such molten silver or bullion, and the oaths of two or more credible witnesses, that the same molten silver or bullion, and every part thereof, was foreign bullion, and that no part thereof was the coin of this realm, nor clippings thereof, nor plate wrought within this kingdom. Upon the lord mayor and aldermen being satisfied of the above facts, they are to grant a certificate, without fee or reward, expressing the name of the owner of such bullion; the names of the witnesses; and the true weight of such bullion; and to make an entry of such certificate in a book kept for that purpose.

7 & 8 Will. 3.  
c. 19. s. 6.  
No person to ship bullion without a certificate and oath that it is foreign bullion.

7 & 8 Will. 3.  
c. 19. s. 6.  
Certificate to express owner's name, weight of bullion, &c.

“ The certificate to be shewn to the commis-  
 “ sioners of the customs, or four of them, before  
 “ any cocket be granted for exporting such  
 “ bullion : and an entry thereof shall be duly  
 “ made by the said commissioners, in a book  
 “ kept by them for that purpose.”

**Penalty.**

Bullion shipped without oath, certificate, and entry, pursuant to the preceding clause, may be seized by any officer of the customs, or any other person ; the bullion so shipped shall be forfeited, one moiety to the king, and the other moiety to the person seizing it.

**Sect. 7.**

Master of the ship, if it belong to a subject, to forfeit 200l.

If captain of a man of war, to forfeit 200l. lose his post, and be incapable of any employment.

9 & 10 Will. 3. c. 28.

Such watches, sword hilts, wrought plate, &c as shall be yearly allowed by the commissioners of the customs,

Masters of ships suffering such bullion to be shipped contrary to this act, to forfeit to such person as shall sue for the same 200l. ; and in case the ship be a man of war, or vessel belonging to his majesty, the captain shall forfeit 200l. forfeit his employment, and be made incapable of any office or employment, civil or military.

By a subsequent act of the same king, “ It  
 “ shall be lawful to export such watches,  
 “ sword hilts, wrought plate, and other silver  
 “ manufactures made within this kingdom,  
 “ being of the fineness of eleven ounces and  
 “ ten pennyweights to every pound troy, and  
 “ so proportionably for every greater or lesser  
 “ weight, according to the rules prescribed in  
 “ the last recited act, as shall be yearly allowed  
 “ by the commissioners of the customs, or any  
 “ three of them.”

BUM-

### Bum-Boats on the Thames.

**T**HE various thefts committed upon the River Thames repeatedly called for legislative interposition to protect the property on board of vessels. Accordingly these Acts contain some very strong, but at the same time necessary, measures for bringing offenders committing depredations in bum-boats, and their accomplices, speedily to justice.

The intercourse between seamen and the shore ; and the facility with which the ship's stores might be conveyed away ; rendered these acts peculiarly necessary. In substance they therefore enact, that bum-boats shall be licensed ; the names and numbers of the owners entered at the office of the Trinity-House, and placed in a conspicuous place in every respective boat, with a view more easily to ascertain and more certainly to convict offenders against these acts.—They prohibit the taking in change, bartering, or unlawfully receiving any goods of vessels in the river ; enact penalties upon persons guilty of offences ; point out the persons who shall have power to apprehend upon suspicion ; extend and define the powers of the magistrates to commit ; and the punishment to be inflicted.

Persons using, lending, or navigating, any bum-boat, or boat for the purpose of selling, bartering, or exposing to sale, to or amongst the seamen, &c. employed in and about ships, vessels, or any craft, any liquors, fops, tobacco, brooms, or any fruit, greens, gingerbread, or other such like ware ; or shall sell, barter, exchange, or expose to sale, any of the aforesaid articles, in, from, or out of any bum-boat, or other boat (except such as be entered at the office of the Trinity House) ; or if any person

Bum-boats to be entered at the office of the Trinity House.  
2 G.O. 3. c. 28.



2 Geo. 3. c. 28. or persons shall take in change, barter, or unlawfully receive any goods of vessels in the river, being convicted before a justice of the peace, on the oath of one or more credible persons, shall be deemed guilty of a misdemeanor; and it may be lawful for any person to apprehend and detain all persons then on board such boat, and also to seize, search, and detain in some place of safety, such boat, with the tackle, apparel, furniture, and loading; and the persons so apprehended shall be conveyed before a justice of peace; and such boat, with her furniture and loading as aforesaid, shall, on conviction, be forfeited and disposed of.

Names of the owners to be specified; and number to be marked on the boat.

Sect. 2.

Bum-boats, or other boats whatsoever, used and navigated for the purposes aforesaid between London Bridge and the Lower Hope Point, shall be entered, by the owner or owners thereof, with the master, wardens, and assistants, at the Trinity House, specifying the name or names, and place or places of abode, of such owner or owners, in order that the said master, wardens, and assistants, may register every such entry, and deliver in writing to such owner a number to be marked on one or more parts of such boat, who shall cause the same to be forthwith marked, together with their christian and surname or names, and place or places of abode, on such part of the said boat so entered as aforesaid as the said master, warden, and assistants, shall from time to time direct.

Bum-boats, when altered or varied, new owner to make fresh entry.

Sect. 3.

So often as such bum-boat or boats shall be varied or altered, the new owner shall make a fresh entry of the same, and cause the number delivered to be marked on the boat, with their christian and surname or names, and place or places of abode as aforesaid.

The Trinity House are to register such entries, and deliver out a number in writing to such owner or owners to be marked on such boat ; for the registering of which the sum of 5s. shall be paid, and no more, to the said master, warden, and assistants ; and they are from time to time to make such orders and regulations as they may think requisite, for ascertaining the names and places of abode, of the owners thereof, and shall cause the same to be from time to time renewed, and kept fair and legible : and that all such orders, rules, and regulations, after being published in the London Gazette, and printed copies thereof affixed at different places, be observed by, and binding on every owner or owners of such boats.

2 Geo. 3 c. 23.

Trinity House to make regulations, &c. which shall be binding upon the owners, &c.

Secl. 4.

The master, wardens, and assistants, or persons disputed by them, and all owners or masters of vessels in the river, or persons authorized by seven of them, may search, stop, and detain in some place of safety any boat that may be suspected to have ropes, cordage, stores, materials, or part of any cargo or lading, stolen or unlawfully procured from or out of any ship or vessel in the river, and also apprehend and detain any person or persons so suspected, and carry them before a justice of the peace ; who, on not giving an account how they came by the same to the satisfaction of such justice, shall be deemed and adjudged guilty of a misdemeanor, and the boat and loading, on such conviction, be forfeited and disposed of.

Boats suspected of having ropes, cordage, &c. stolen, or unlawfully procured, may be detained.

Secl. 5.

Constables, beadles, and watchmen on duty, may seize all stores, or goods suspected to be stolen from vessels in the river, and carry the persons concerned before a justice ; and if such person or persons shall not produce the party or parties from whom he, she, or they, bought

Persons suspected of being concerned in stealing goods from any vessel in the river may be carried before a magistrate.

Secl. 6.

2 Geo. 3. c. 28. or received the same, the said person and persons so apprehended shall be deemed and adjudged guilty of a misdemeanor.

Justices may  
grant search  
warrants, &c.  
Stat. 7.

Justices on oath of a suspicion, of the concealment of stolen goods may grant a warrant, under their hand and seal, to search such dwelling-house, warchouse, out-houses, &c. where such stolen goods may be supposed to be deposited, and if found are to be secured and kept in some place of safety, and the person or persons in whose house the same may be found are to be brought before a justice, and not giving a satisfactory account how they came by the same, or producing the party or parties of whom they bought or received the same, shall be deemed and adjudged guilty of a misdemeanor.

Goods suspected  
to have been  
stolen, how to  
be disposed of.  
Stat. 8.

The justice may cause the goods so stolen to be deposited with the churchwardens or overseers of the poor, for any time not exceeding thirty days ; and may order such churchwardens and overseers to advertise them in some public newspaper, if within the bills of mortality ; and if not, notice is to be given by some public cryer, and affixed on the church-door, that the persons having lost any such, or any reputable person in their behalf, may claim the same within thirty days of such notice ; and if any person should prove the same to be their property, the justice may order restitution, upon their paying charges, and compensation to the informer. But if at the end of the said thirty days no such proof should be made, the goods, &c. are to be sold by the churchwardens, and the money arising from such sale, deducting charges, is to go, one moiety to the informer, and the other moiety to the poor of the parish.

Every person to whom any goods, stores, or things belonging to ships or vessels shall be brought, and offered to be sold, pawned, or delivered, is required (should there be reasonable cause to suspect the same to be stolen), to apprehend the parties, and carry them before a justice of the peace; and secure such goods, stores, &c. and such persons so apprehended shall be dealt with, and such goods, stores, or things, shall be deposited and disposed of as if the parties had been apprehended by the constable, beadle, or watchman as aforesaid.

2 Geo. 3. c. 28.

Persons to whom stores shall be brought, suspected to have been stolen, sold, pawned, &c. to apprehend the parties, and carry them before a justice, Sect. 9.

Every person deemed and adjudged guilty of any of the misdemeanors aforesaid shall forfeit, for the first offence, the sum of 40s. ; for the second offence, the sum of 4l. ; and for every subsequent offence, the sum of 4l. : all which forfeitures may be levied by distress and sale of the goods and chattels of every such offender, by warrant under the hand and seal of any justice of the peace before whom such offender was convicted; one moiety to the apprehender or informer, and the other to the Trinity House for the use of the poor decayed seamen and their widows. If the said respective forfeitures shall not be paid, nor sufficient distress found whereon to levy the same, the said justice shall and may commit every such offender to the common gaol or house of correction, without bail or mainprize, for the space of one month for the first offence; and for the second, for the space of two months; and for every other offence, till discharged by order of the court of general or quarter sessions.

Forfeitures, how to be levied, &c. Sect. 10.

If no sufficient distress, offenders to be imprisoned.

Every conviction of any offender shall be certified by the justice or justices of the peace to the next quarter sessions, to be filed and en-

Convictions to be certified, &c. and not to be removed by certiorari.

a Geo. 3. c. 28. tered among the records, agreeably to the form prescribed in the act; which said conviction shall be good and effectual in law to all intents and purposes, and shall not be set aside, or be adjudged void or insufficient, nor removable by *certiorari*.

Persons receiving any part of cargo belonging to ships in the river, knowing the same to be stolen, to be transported.  
Sect. 12.

Every person who shall buy or receive any part of the cargo or loading, or any goods, stores, &c. belonging to any ship or vessel in the said river, knowing the same to be stolen, or unlawfully come by, or shall buy or receive any such goods, or any part of such cargo or loading, by suffering any door, window or shutter, to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same in any clandestine manner, shall, being thereof convicted by due course of law, be transported for fourteen years to any of his majesty's colonies or plantations.

Persons cutting or damaging cordage, cables, in adfasts, &c. with intent to steal the same, to be transported.  
Sect. 13.

If any person or persons shall cut, damage, or spoil, any cordage, cables, buoys, buoy rope, headfast, or other fast, fixed to any anchor or moorings belonging to any ship or vessel in the River Thames, or any rope used for mooring or raising masts or timber, or aiding or assisting with an intent to steal the same, such person being convicted thereof, on the oath of two or more credible witnesses, shall be transported, with their aiders, for seven years, according to the laws now in force for the transportation of felons.

Persons stealing, unlawfully receiving, &c. any goods, &c. belonging to any ship in the river

Any person being out of prison, concerned in stealing or unlawfully receiving any part of any cargo or lading, or of any goods, &c. from any ship or vessel in the river, who shall discover  
to be pardoned, upon convicting two other persons guilty of a similar offence. Sect. 14.

and convict two others of the like offence, every person so discovering shall be entitled to his majesty's pardon, which shall be likewise a bar to any appeal brought for such felony. a Geo. 3. c. 22.

Any person or persons who shall row or navigate, within the limits aforesaid, any such boat as is herein before directed to be entered, marked, or numbered, *not being so*, or having a false mark or number, or not having the real name or names, and places of abode, of the owner or owners of such boat inscribed thereon, or not having such names and figures kept fair and legible, shall forfeit, on conviction before a justice, 40s. ; one moiety to the informer, and the other to the Trinity Company for the use of their poor : and it may be lawful for any person or persons, upon discovery of such offence, to seize and detain any such boat, tackle, &c. who shall, within the space of forty-eight hours after such seizure, give information before a justice of the peace, who shall determine thereon ; and if the forfeiture be not paid within twenty-four hours, the same shall be raised by sale of such boat, with its furniture, &c. ; and every justice of the peace is authorized to cause sale to be made thereof, rendering to the offenders the overplus (if any there be), after deducting the charges of detaining and selling such boat.

Penalties on persons navigating boats not being entered, marked, &c. Sect. 15.

Upon complaint to the Trinity Company of any thefts, illegal practices, &c. being carried on, or suspected to be carried on, in any boat so numbered or marked, to summon the owner or owners to appear before them, or any five or more of them, at the Trinity House, and enquire into such complaint in a summary way ; and in case the said complaint shall be proved to

Trinity Company to enquire into illegal practices against this act. Sect. 16.

2 Geo. 3. c. 28. their satisfaction, the said Trinity Company (being a majority of the members then present) may totally abolish the said number so given to the said boat, and for the future refuse to enter, as before directed, any boat of or belonging to such owner or owners.

Justices may  
cause boats and  
tackle to be  
burned.  
Sect. 17.

Where a boat is forfeited, together with her tackle, &c. and no further provision made, it may be lawful to and for such justice of the peace before whom the conviction is made, and they are respectively authorized to cause such boat, with their tackle, &c. to be totally burnt and destroyed within six days next after such conviction, by warrant under his or their hands and seals, directed to the constable or peace officer, who shall cause the same to be burnt and destroyed within the time aforesaid.

Offenders a-  
gainst this act  
may be appre-  
hended without  
warrant.  
Sect. 18.

Any person or persons may apprehend an offender, by the authority of this act, without any warrant, and with all convenient speed deliver him to a constable or peace officer, in order to be carried before a justice of the peace to be dealt with according to law.

Persons ob-  
structing the  
execution of  
this act to be  
transported.  
Sect. 20.

Any persons acting in the execution of this act, who shall be obstructed therein; every person so obstructing, and all such as shall act in their assistance, shall, on conviction before the justices of the peace at the general or quarter sessions of the county or city adjoining the said river, be transported for seven years, according to the laws now in force for the transportation of felons.

Members of the corporation, or any inhabitants of the parish, town, or place, in which any offence may be committed, shall be admitted to give evidence, notwithstanding their being such members of the said corporation, or inhabitants as aforesaid.

## Burning, Destroying, Molesting, or Obstructing Ships.

**T**HE crime of burning houses, technically denominated Arson, is a capital felony ; and as the wilfully setting fire to, burning, or destroying ships, where the consequences of conflagration might be much more dreadful, and a greater number of subjects to the state might be destroyed, it was but just that the same punishment should be inflicted.— In point of value, ships are frequently superior to houses : and as impeding them in their repairs, or in any way obstructing them, might be productive of considerable injury, an act was passed, not only for preventing them from being burned or destroyed, but also from being in any degree impeded or molested.

The subsequent act 33 Geo. 3. c. 67. appears to have been levelled at combinations of seamen, keelmen, &c. riotously assembled, and obstructing the lading, unlading, repairing, or navigating any ship, vessel, or keel ; it also extends the punishment of the act of 1 Anne, st. 2. c. 9. s. 4. 4 Geo. 1. c. 12. and 11 Geo. 1. c. 29. to persons *burning and setting fire to ships, keels, and other vessels*, and destroying ships, keels, or other vessels, otherwise than by fire, subjects the offender to the punishment of transportation ; while the former offence, viz. wilfully burning or setting fire to vessels, keels, &c. is a capital felony.

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### BURNING and DESTROYING SHIPS.

“ FOR punishing Accessories to Felonies, 1 Anne, st. 2. c. 9.  
 “ and Receivers of Stolen Goods, and to pre-  
 “ vent the wilful burning and destroying of  
 “ Ships ; and for the effectual preventing the



1 Anne, st. 2. c. 9. “ wilful casting away, burning, or otherwise  
 “ destroying, by Masters and Mariners of  
 “ Ships under their Charge,” it is enacted;

Sect. 4. That any person who shall wilfully cast away,  
 burn, or otherwise destroy, the ship unto which  
 he belongeth, or procure the same to be done,  
 shall suffer death as a felon.

Offences, how  
 to be tried.  
 Sect. 5.

The above offence, and all other offences  
 within the jurisdiction of the admiralty, shall  
 be tried in such parts within the realm as shall  
 be limited by commission under the great seal,  
 in such manner and form as is directed by an  
 act of the 28th of Henry VIII. for the trial of  
 pirates.

4 Geo. 1. c. 12.  
 s. 2.

The above act being about to expire, and  
 having been found by experience to have been  
 of great use and benefit to sea-faring men and  
 merchants, by the act quoted in the margin, it  
 was made perpetual, but was not to extend to  
 the admiralty court of the cinque ports ; and it  
 was further enacted by the present act, for the  
 prevention of frauds upon underwriters, “ that

Sect. 3.

Punishment of  
 persons for  
 burning or  
 destroying ships  
 to the prejudice  
 of underwriters.

“ if any person belonging to a ship should  
 “ wilfully cast away, burn, or otherwise destroy,  
 “ the ship of which he is owner, or unto which  
 “ he belongeth, or in any manner of wise direct  
 “ or procure the same to be done, to the pre-  
 “ judice of any person or persons that shall  
 “ underwrite any policy or policies of insurance  
 “ thereon, or of any merchant who shall load  
 “ goods thereon, *he shall suffer death.*”

By the above statute, the benefit of clergy  
 not having been expressly taken away, and some  
 doubts having arisen relative to the nature of  
 the offence provided against by the above sec-  
 tion, and the trial and punishment to be had  
 and inflicted for the same, it was enacted, that

“ If any person shall wilfully cast away, <sup>11 Geo. 1. c. 29. f. 6.</sup>  
 “ burn, or otherwise destroy, the ship or vessel  
 “ of which he is owner, or to which he be-  
 “ longeth, or in anywise direct or procure the  
 “ same to be done, with intent or design to pre-  
 “ judice any person or persons that bath or shall  
 “ underwrite any policy or policies of insurance  
 “ thereon, or of any merchant or merchants that  
 “ shall load goods thereon, or of any owner or  
 “ owners of such ship or vessel, the person or  
 “ persons offending therein, being thereof law-  
 “ fully convicted, shall be deemed and ad-  
 “ judged a felon or felons, and shall suffer as  
 “ in cases of felony *without benefit of clergy.*”

Any of the above offences of wilfully casting <sup>Sect. 7.</sup>  
 away, burning, or destroying, any ships or ves- <sup>How to be tried.</sup>  
 sels, if committed within the body of any county,  
 to be tried in the same manner, and adjudged  
 in the same courts as those felonies committed  
 within the body of any county are adjudged  
 and determined; and if any of the said offences  
 are committed upon the high seas, they shall  
 be tried, determined, and adjudged, as di-  
 rected and appointed for trying felonies com-  
 mitted upon the high seas, by the statute of  
 28 Hen. 8. c. 15. relative to pirates.

## MOLESTING or OBSTRUCTING SHIPS.

SEAMEN, keelmen, casters, ship carpen- <sup>33 Geo. 3. c. 67.</sup>  
 ters, or other persons riotously assembled, to <sup>Seamen, &c.</sup>  
 the number of three or more, who shall unlaw- <sup>riotously assem-</sup>  
 fully, and with force, prevent, hinder, or ob- <sup>bled, and forai-</sup>  
 struct the loading or unloading, or the sailing <sup>bly preventing</sup>  
 and navigating any ship, keel, or other vessel, <sup>the loading of</sup>  
 any vessel, to be <sup>any vessel, to be</sup>  
 committed to <sup>committed to</sup>  
 prison.

33 Geo. 3. c. 67. with intent to prevent, hinder, or obstruct the loading or unloading, or the sailing or navigating such ship, keel, or other vessel, such persons being lawfully convicted of any of these offences shall be committed to the common gaol or house of correction, and be kept to hard labour for any term not more than twelve months, nor less than six.

Sect. 2.  
Persons unlaw-  
fully preventing  
others from  
working liable  
to same punish-  
ment.

Persons unlawfully, and with force, preventing, hindering, or obstructing any seaman, keelman, caster, or ship carpenter, from working at his lawful trade, business, or occupation, or who shall wilfully and maliciously assault, beat, or wound, or use, or commit any bodily violence or hurt to or upon any seaman, &c. with intent to deter, prevent, hinder, or obstruct such seaman, &c. from working at his lawful trade, business, or occupation respectively, to be committed to prison, and kept to hard labour for twelve calendar months, and not less than six.

Sect. 3.

Persons offending a second time to be guilty of felony, and transported for fourteen years.

Sect. 4.

This act not to extend to any thing done by authority of his majesty.

Sect. 7.  
Offences on the  
high seas.

Offences under this act committed on the high seas may be tried in any session for the trial of offences committed on the high seas.

Sect. 8.  
Limitations of  
prosecutions.

Prosecutions to be commenced within twelve months after the offence committed.

Sect. 8.  
Duration of the  
act.

This act shall continue in force until the twenty-fourth day of June 1800, and from thence to the end of the then next session of parliament.

## Canvas and Sail-Cloth.

**T**HE intent of these acts is to encourage British manufactures, and prohibit the importation of foreign sail cloth, except under particular circumstances. Accordingly, no ships are permitted to clear out without having a complete set of sails, of British manufacture, properly stamped, under penalty of forfeiture. Foreign sails also are appointed to be stamped of a different colour, to be more easily distinguished from canvas of British manufacture.

Masters of ships to make entry, upon oath, of all foreign made sails on board their respective ships; and before clearing inwards by the officers of the customs, where she discharges her cargo, pay the duties of 1d. per ell.

12 Anne, st. 1. c. 26.

19 Geo. 2. c. 27. Masters of ships to make entry, upon oath, of foreign made sails.

19 Geo. 2. c. 27. s. 2.

Foreign sails to be stamped, &c. Sect. 2.

Every such foreign sail to be stamped at the port where the entry is made. Masters of ships not making such entry, or paying the duty before the ship is cleared inwards, shall forfeit the sails, and pay 50l. penalty; one half of which to the use of the king, and the other to the person who shall sue for the same.

Masters of ships, after making the report and entry, and before the ship is cleared inwards, unwilling to pay the duty, and delivering the sails to the officers of the customs, shall not be subject to pay the penalty of 50l.; shall only forfeit the sails.

Masters of ships not willing to pay the penalty to forfeit the sails. Sect. 3.

Masters of ships coming from the East Indies, having foreign canvas on board, are exempted from the above duty and penalty,

Ships from the East Indies not within this act. Sect. 4.

Foreign made sail cloth imported, to be stamped on landing, with stamps eight inches

Foreign sailcloth to be stamped. Sect. 5, 6.

19 Geo. 2. c. 27. diameter, dipped in red lead and oil. 50l. penalty for forging such stamps.

Penalty on sail-makers making up foreign sail-cloth unstamped.  
Sect. 7.

Sail-makers, or other persons working or making up foreign sail cloth that is not stamped into tarpawlings or sails, such tarpawlings, &c. to be forfeited, and such sail-makers to pay the penalty of 50l. to be levied by distress; and for want of such distress to be committed for six months, or until payment.

How stamps to be placed on foreign sail cloth.  
Sect. 8.

Sail-makers working up foreign canvas to put the stamps on the after side of the sail, in such a manner that the number of stamps in every sail, may appear proportionably to the number of pieces contained in the said sail, under penalty of 10l. and forfeiting such sail, if made otherwise.

Penalty of mending foreign unstamped canvas.  
Sect. 9.

Sails made of foreign canvas unstamped not to be mended, under penalty of 20l.

New sails, how to be stamped.  
Sect. 10.

New sails to be stamped with the maker's name and place of abode, in a stamp eight inches diameter, dipped in lamp black and oil, on penalty of 10l. and forfeiture of sails.

Ships to use sails manufactured in Great Britain.  
Sect. 11.

Ships built in Britain or the Plantations, on first setting out, to be furnished with a complete set of new sails, manufactured in Great Britain, under penalty of 50l.

## Coasting Trade.

OF the two acts passed for the better regulation and government of seamen employed in the coasting trade of Great Britain, and exempting certain coast documents from stamp duties ; and for abolishing the bond usually called the Isle of Man bond ; namely, the acts 31 Geo. 3. c. 39. and 32 Geo. 3. c. 50. the latter only is here abstracted : the sections of the former act, relative to compelling masters to enter into written agreements with seamen for their wages, punishments of seamen not proceeding on their voyage, absenting themselves, payment of wages, &c. will be detailed under the head SEAMEN in the Merchant Service.

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“ From the fifth of July 1792, any person  
 “ whatever may convey or remove, and carry  
 “ forth to the open sea, any goods, wares, or  
 “ merchandize, which shall be shipped or put  
 “ on board according to the directions of this  
 “ act, at any port, creek, or member of any  
 “ port, in Great Britain, to be landed or dis-  
 “ charged at any other port or place in Great  
 “ Britain, without taking out any cocquet or  
 “ cocquets, or giving any security, by bond or  
 “ otherwise, for the delivery or discharge  
 “ thereof to such port or place, subject never-  
 “ theless to the several exemptions, provisoes,  
 “ rules, and regulations, hereinafter men-  
 “ tioned.” Provided, that no goods, &c. pro-  
 hibited to be exported from Great Britain to  
 foreign parts ; nor any goods, &c. liable to any  
 duty or return of premium or bounty, or entitled

Goods may be  
 carried from  
 port to port  
 without giving  
 bond.  
 32 Geo. 3. c. 50.  
 f. 1.

32 Geo. 3. c. 50. to any allowance for waste on exportation thereof, or on being carried coastwise ; nor any goods, &c. warehoused upon importation, on payment of a certain duty, and afterwards carried coastwise for the purpose of exportation ; nor any goods, &c. liable to duty of customs on importation into, or on exportation from Great Britain, unless the amount of such duty, or the whole of the cargo so to be carried coastwise, shall not exceed 5*l.* ; shall be allowed to be removed, or carried coastwise, in any ship, vessel, boat, or hoy, from any port or creek in England, Wales, or town of Berwick, until the master or commander thereof shall have taken out a cocquet, and become bound to the king for the delivery and discharge of such goods, &c. in the like manner as was required by the law before the passing of this act ; or to be shipped on board any ship, vessel, boat, or hoy, for the purpose of being carried coastwise to any part of Great Britain, until the master or commander thereof shall have obtained a sufferance, warrant, or permit, for shipping the same, and become bound to his majesty in the value of the goods, &c. contained in such sufferance, warrant, or permit, or indorsement to be made thereon, as herein directed, for the due landing of the same ; and also (the dangers of the seas excepted) for returning a certificate of their being landed from the officer of the customs of the port or creek where the same shall be landed and discharged, within six months after the date of such sufferance, warrant, or permit, to his majesty's officers of the customs, to whom such security hath been given as aforesaid.

All goods, &c. pursuant to this act allowed to be carried coastwise without cocquet or bond, must be shipped on board vessels, boats, hoys, &c. British built, owned by British subjects, and navigated according to law, and may be carried to sea by transire or let pass only, and may be removed in like manner, the same being indorsed in manner hereinafter directed : provided always, that nothing in this act contained shall extend to require any transire or let pass in any case where the ship or vessel does not go to open sea, or where cocquet and bond, or transire or let pass, were not required by law, on and immediately before the first of March 1792.

Goods must be carried, removed, &c. in British ships lawfully navigated. 32 Geo. 3. c. 50. f. 2.

No goods, &c. laden on board at any port or creek in Scotland, by sufferance, warrant, or permit, and without cocquet and bond, or without cocquet, shall be carried, conveyed, or removed out of or from any port or creek in Scotland, without such sufferance, warrant, or permit, accompanying the same, and a certificate of the shipping, officer, or officers, indorsed thereon, certifying the particulars of the goods, &c. which were shipped on board by virtue thereof.

Goods in Scotland must be accompanied by the permit. Sect. 3.

If the master or commander of any ship, vessel, boat, or hoy, on board of which any goods shall be shipped, in order to be carried coastwise within Great Britain, shall proceed coastwise in England, Wales, or town of Berwick, without a cocquet, transire, or let pass, or in Scotland without a sufferance, warrant, or permit, indorsed as herein directed, in the cases in which the same are respectively required, every such master or commander shall, for every such offence, forfeit 50l.

Masters not taking out cocquets to forfeit 50l. Sect. 4.



Cocquets must be delivered to the proper officer, under forfeiture of the value of the goods.  
32 Geo. 3. c. 50.  
s. 5.

If any goods brought into Great Britain by cocquet, transire, or let pass, or into Scotland by sufferance, warrant, or permit, indorsed as herein required, shall, from the fifth of July 1792, be unshipped to be landed or put on shore, before such cocquet, transire, or let pass, or such sufferance, warrant, or permit, indorsed as aforesaid respectively, shall be delivered to the customer or collector, or comptroller, for the landing or discharging thereof, the master of such vessel, hoy, &c. shall forfeit the value of such goods, &c. ; or if any goods of foreign growth, production, or manufacture, shall, on coming coastwise, be landed without the presence of an officer of the customs, all such goods, &c. or the value thereof, shall be forfeited.

Penalty for counterfeiting, erasing, or altering cocquet, &c.  
Sect. 6.

Persons counterfeiting cocquets, or erasing or falsifying any sufferance, warrant, cocquet, transire, let pass, certificate, or permit, or any other custom-house warrant, document, or instrument, or any indorsement thereon, by this act required, shall forfeit 200l. and such sufferance, &c. shall be respectively null and void.

Goods not agreeing with cocquet, &c. and exceeding the quantity therein expressed, to be forfeited.  
Sect. 7.

If after the shipping of any goods, &c. to be carried coastwise, and after the goods shall have been shipped, and the cocquet, transire, let pass, &c. shall have been delivered to the master, it shall be found by any officer, on examination thereof, that the goods, &c. shipped on board shall exceed in quantity the particulars of the goods, &c. expressed in the cocquet, &c. or other coast document, or on the indorsement to be made upon any sufferance, warrant, or permit, all such goods, &c. as shall exceed the quantity so authorized to be carried coastwise, shall be forfeited and lost.

If it appears to the commissioners of the customs, that such excess has arisen by mistake, and without intention of fraud, the commissioners may waive the forfeiture without any reward or satisfaction to the seizing officer.

Mistakes may be rectified.  
32 Geo. 3. c. 50.  
s. 8.

No officer of the customs to suffer any ship, vessel, &c. to clear out coastwise from any port or place whatever in Great Britain, until the master or commander thereof shall give security to his majesty in the penalty of 100l. with condition that such master or commander will not, at any time thereafter, land, or cause to be landed, any goods in any part of this kingdom, in any manner which is or shall be prohibited by law, or take the same on board in order to their being so landed, nor be any ways concerned, or aiding or assisting in fraudulently importing, unshipping, or landing the same; and will not hinder, molest, or oppose any of his majesty's officers of the customs or excise, or any other person or persons assisting them, or either of them, in the due execution of their respective offices or employments; and no such bond shall be charged with any stamp duties, nor shall any fee, gratuity, or perquisite be paid or taken, or any charge made by any person or persons whatever for or on account of such bond.

Masters of ships to give security that goods shall not be reloaded within the kingdom in manner prohibited by law.  
Sect. 9.

The tenth and eleventh sections direct how forfeitures and penalties incurred by masters carrying goods coastwise are to be sued for and applied; and exempt bonds for discharging goods carried coastwise from payment of the stamp duties. The last section repeals so much of the acts of 5 Geo. 3. c. 39. and 26 Geo. 3. c. 40. as require the file of Man bond to be given.

### Convoys.

**I**N consequence of the enemy's navy being crippled and almost annihilated, they could only commit depredations by their sloop and privateers upon those vessels which the spirit of adventure might tempt to sail from our ports unprotected, the attention of the legislature was necessarily called forth to counteract the designs of the enemy, and to afford better security and protection to our commerce — Mr. Rose accordingly, judiciously blending the interest and security of commerce with the increase of the revenue, brought in an act for the better protection of the trade of this kingdom, and granting new and additional duties of customs on goods imported and exported, and on the tonnage of certain ships entering outwards or inwards, to or from foreign parts, until the signing preliminary articles of peace.

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### CONVOYS.

The act, commonly called the **Convoy Act**, 38 Geo. 3. c. 76. is founded upon the fairest principles of equity and reciprocity. The commercial property of this country having been long protected by his majesty's ships of war, and the merchants having, in consequence of such protection, accumulated their wealth, it was but just, more particularly as the commerce of this country had increased in a most unparalleled degree, that such protection and security should be paid for, by a duty upon the exports and imports.

By a clause of a preceding act, it was enacted, that if the captain of any merchant ship under convoy shall wilfully disobey signals or instructions, or any other lawful commands of the commander of the convoy, or shall desert the convoy without notice given and leave obtained for that purpose, he shall be liable to be articulated against in the high court of admiralty at the suit of the crown, for disobedience to the orders of the convoy, and upon conviction thereof shall be fined, at the discretion of the said court, in any sum not exceeding 500*l.* and shall suffer such imprisonment, not exceeding one year, as the said court shall adjudge.

33 Geo. 3. c. 66.  
f. 8.

From and after the fifth of July 1798, it shall not be lawful for any ship or vessel belonging to any of his majesty's subjects to sail or depart from any port or place whatever, unless under the convoy of such ships as shall be appointed for that purpose.

From the 5th of July 1798, no ship to sail without convoy.  
38 Geo. 3. c. 76.  
f. 1.

Masters of vessels under convoy shall use their utmost endeavours to continue with such convoy, and shall not wilfully separate or depart therefrom upon any pretence whatever, without order or leave for that purpose from the officer having command of such convoy.

Masters of vessels not to separate from convoy without leave.  
Sect. 2.

If any master of a vessel shall sail or depart without such convoy as shall be appointed for that purpose; or shall afterwards desert or wilfully separate from such convoy without leave obtained from the officer entrusted with the charge of such convoy, before such vessel shall have arrived at her place of destination, or so far on her voyage as such convoy shall be directed to accompany and protect such vessel, he shall forfeit for every offence the sum of 1000*l.*; and

If a master sails without convoy, or separate from it without leave, he shall forfeit 1000*l.*; and if the cargo be naval or military stores, 1500*l.*  
Sect. 3.

38 Geo. 3. c. 76. in case the whole, or any part of the cargo of any such vessel, shall consist of naval or military stores, such master of a vessel so laden, who shall depart without such convoy, or shall afterwards desert or wilfully separate or depart from such convoy, without leave obtained as aforesaid, shall forfeit for every such offence the sum of 1,500l.

Penalty may be mitigated.

The Court out of which the record for the trial of such action for the recovery of such penalty shall issue, may mitigate the same as the said court in their discretion shall think fit, having regard to the circumstances of the case and the value of the ship and cargo, so as by such mitigation the penalty be not less than 50l.

Vessels sailing without convoy, or separating from it without leave, insurance to be void with respect to the property of the master or person privy to the offence.

SECT. 4.

Ships sailing without convoy, or separating without leave, the insurances with respect to the property of the master or any person privy to the offence shall be void, and nothing shall be recovered thereon for loss or damage by the assured; and if any person shall negotiate or transact any settlement upon such insurance, or pay or allow on account, or agree to pay or allow in account or otherwise, any sum of money upon any loss, peril, or contingency relative to such insurance, every such person shall forfeit the sum of 200l.

Officers of the customs not to permit vessels to be cleared outwards until the master has given bond not to sail without convoy, and not to separate from it.

SECT. 5.

Officers of the customs not to permit any vessel by this act required not to sail without convoy, to be cleared outwards from any port in Great Britain to foreign parts, until the master, or other person having charge or command of such vessel, shall have given bond to his majesty, with one sufficient surety, in the penalty of such value of such vessel, which bond

shall be taken by the collector or other principal officer of the customs at such port, with condition that such ship or vessel shall not depart without convoy, nor wilfully separate from such convoy without leave obtained of the officer having charge of such convoy. 38 Geo. 3. c. 76.

Nothing in this act contained shall extend to any ship or vessel which is not required to be registered, by any act or acts of parliament in force, on or immediately before the passing of this act, nor to any ship or vessel for which a licence shall be granted by the admiralty to sail without convoy ; or to any ships proceeding with due diligence to join convoy, from the port or place at which the same shall be cleared outwards, in case such convoy shall be appointed to sail from some other port or place (except nevertheless as to the bond required to be taken upon the clearance outwards of such ship or vessel ; or to any vessel bound to or from any port or place within the kingdom of Ireland ; or to any vessel bound from any port or place to any other port or place within the kingdom of Great Britain to any other port or place within the same ; or to any ship or vessel belonging to, or hired by, or in the service or employ of the Company of Merchants of England trading to the East Indies or the Hudson's Bay Company.)

Vessels exempt from the operation of this act. Sect. 6.

No fees to be demanded or received for granting any licence in pursuance of this act. No fee to be taken for licence. Sect. 7.

Act not to extend to ships or vessels departing without convoy from any foreign port, in case there shall be no convoy appointed for such ships or vessels, nor any person resident at such foreign place duly authorised to appoint convoys for such ships or vessels, or to grant Act not to extend to vessels sailing from foreign ports, if no convoy appointed. Sect. 8.

38 Geo. 3 c. 76. licences to such ships or vessels to sail without convoy.

Admiralty to give notice in the Gazette that masters shall have on board flags to answer signals, without which they shall not be cleared outwards.  
Sect. 9.

Admiralty to give notice, that all masters, or persons having charge of such vessels as are required not to depart without convoy, shall have on board their respective ships such flags, vanes, or other materials, as shall be necessary for distinguishing such ships, and to enable the masters of such ships, to answer the signals made by the officer of his majesty's navy entrusted with such convoy; such flags, vanes, and other materials, to be provided by such masters and other persons, having the charge of any ships or vessels which are required by this act not to sail without convoy; which notice shall be inserted in the London Gazette, and transmitted to the commissioners of the customs in England and Scotland; to be by them sent to the principal officers of the customs at the several ports for the information of the persons concerned; and no such ship or vessel shall be permitted to be cleared outwards until it shall appear, to the satisfaction of the proper officer of the customs, that the ship is provided with such flags, vanes, or other materials.

So much of 33 Geo. 3 c. 66. as makes captains under convoy liable to be arraigned in the court of admiralty for disobeying signals, &c. shall be affixed on every vessel required to sail with convoy, on penalty of 50l.  
Sect. 10.

So much of the act of the 33d of his present majesty, intituled, "An Act for the Encouragement of Seamen, and for the better and more effectually Manning his Majesty's Navy," as enacts, "That if the captain of any merchant ship under convoy shall wilfully disobey signals or instructions, or shall desert the convoy without notice given, or leave obtained for that purpose, he shall be liable to be arraigned against in the high court of admiralty, at the suit of the crown, for disobedience to the orders of the convoy, and

“ upon conviction thereof shall be fined, at the discretion of the said court, in any sum not exceeding 500*l.* and shall suffer such imprisonment, not exceeding one year, as the said court shall adjudge,” shall be painted upon a board, and affixed on some conspicuous and convenient part of every ship or vessel which by this act is required not to sail or depart without convoy ; and in default thereof, every person so offending shall forfeit, for every such offence, the sum of 50*l.*

If any ship or vessel, required by this act not to sail without convoy, shall be in imminent danger of being boarded or taken possession of by the enemy, the master, or other person having charge of such ship, shall make signals, by firing guns or otherwise, to convey information of his danger to the rest of the convoy, as well as to the ships of war under whose protection he is sailing ; and in case of such ship being boarded or taken possession of, he shall destroy all instructions confided to him relating to the convoy.

Masters of ships in danger of being taken by the enemy to make signals and destroy instructions, under penalty of 100*l.*  
Sect. 11.

Neglecting to make such signals, and to destroy such instructions, incurs a forfeiture, for every offence, of 100*l.*

One moiety of the penalties and forfeitures under this act (if sued for within the space of one year from the time that such penalty or forfeiture shall have been incurred) to be to his majesty, and the other, with full costs of suit, to such persons as shall inform or sue for the same within the space of one year ; and in default of prosecution within the time before limited, no such penalty shall be afterwards recoverable, except in the name of his majesty's attorney general in England, or advocate in

Recovery and application of penalties.  
Sect. 13.



38 Geo. 3. c. 76. Scotland ; in which case the whole of such penalties shall belong to his majesty, and shall be paid into the hands of the receiver-general of the customs, and be applied in the same manner, and to the same purposes, as the duty of tonnage upon ships imposed by this act is appropriated and applied.

The attorney-general in England, and advocate in Scotland, may stay proceedings on prosecutions.  
Sect. 14.

The attorney-general in England, or advocate in Scotland, in case it shall appear to their satisfaction respectively that such penalty or forfeiture was incurred without any intention of fraud, may stop all further proceedings on every such prosecution, as well with respect to the share of such penalty or forfeiture to which any person suing may claim to be entitled, as to the share belonging to his majesty, upon such terms, as to costs or otherwise, as such attorney-general or advocate shall think reasonable.

Duration of the act.  
Sect. 40.

Until the signing the preliminary articles of peace \*.

\* For the remaining Sections of this act, see CUSTOMS, TONNAGE.

### Cordage.

**SUNDRY** persons using the trade of making cables, halfers, and other kinds of cordage, having, for private gain, used old and worn out cables, halfers, &c. which were fraudulently sold as new, good, and strong, and as if made of new and perfect stuff, by being tarred over before they were exposed to sale, and the rottenness of the materials by this deception concealed, in consequence of which many vessels had been cast away, and many lives lost, to avoid such inconveniences and dangers as might hereafter ensue, an act was passed, intituled,

“ An Act for the avoiding of Deceit used in 35 Eliz. c. 8.  
 “ making and selling of twice laid Cordage ;  
 “ and for the better preserving the Navy of  
 “ this Realm.”

Persons making, or causing to be made, any cables of any old and over-worn stuff, which shall contain above seven inches in compass, every person so offending shall forfeit four times the value of every such cable so made ; and any persons tarring, or causing to be tarred, any halfers or other cordage, made of such old and over-worn stuff of a lesser size, not containing in compass seven inches, who shall sell, or cause to be sold, such cable, halser, or other cordage, shall forfeit the treble value of every cable, halser, and other cordage, so made and tarred : one moiety of such forfeiture to the crown, and the other to the informer.

Penalty for tarring cables, cordage, &c.  
 Sect. 2.

35 Eliz. c. 8.  
f. 3.

All persons offending against the tenor of this act to be imprisoned during his majesty's pleasure.

6 Geo. 3. c. 45.

This act is entitled an act for allowing a bounty on the exportation of British made cordage, and discontinuing the drawbacks upon foreign rough hemp imported.

Bounties.  
Sect. 1.

Bounty of 2s. 4½d. allowed upon every hundred weight of British cordage exported as merchandize to foreign parts. The exporter to give bond as security, with condition to bring in a certificate in discharge thereof within six months, if such goods shall be entered for or landed in Ireland, Guernsey, Jersey, Alderney, or Sark, and within eighteen months if entered for or landed in any of the plantations in Africa or America, and within thirty months if entered for or landed in any port or place at or beyond the Cape of Good Hope.

Officer may open and examine goods.  
Sect. 2.

Officers of the customs may open and examine the goods; and if the same shall be found right entered, they shall be repacked at the charge of the officer; which charge shall be allowed, if reasonable, by the commissioners of the customs.

*Onus probandi*  
on exporter.

If any dispute shall arise relative to the goods being actually of British manufacture, the *onus probandi* to be upon the exporter, claimer, or owner, and not on the officer.

Cordage landed without licence, unless in case of distress, or to save the goods from perishing, to forfeit treble value.

Bounties to be paid out of the duties upon hemp imported.

Sect. 6.

Nothing in this act to extend the bounties to cordage remanufactured from old ca-

bles, ropes, or cordage, commonly called *twice layed cordage*. 6 Geo. 3. c. 45.

Drawbacks upon foreign hemp exported are repealed.

Penalties, one moiety to the king, and the other to such officers of the customs as shall prosecute for the same.

By the first section of this act, the 6 Geo. 3. c. 45. is revived and continued.

No bounty to be paid if made from American hemp, nor for less quantity than three tons weight. <sup>26 Geo. 3. c. 35. s. 2.</sup>

No bounty on exportation to the Isle of Man. Sect. 4.

No entry to be made without certificate of refusal from the Navy Board. Sect. 5.

The above act, which has been continued by various acts, was still further continued by 36 Geo. 3. c. 108.

## Courts Martial.

Not more than  
two years im-  
prisonment.

**N**O person convicted of any offence shall, by the sentence of any court martial, be adjudged to be imprisoned for a longer term than the space of two years.

22 Geo. 2. c. 33.  
s. 3.

Jurisdiction of a  
court martial.  
Sect. 4.

Nothing contained in the articles of war shall extend, or be construed to extend, to empower any court martial, to be constituted by virtue of this act, to proceed to the punishment or trial of any of the offences specified in the several articles (other than the offences specified in the fifth, thirty-fourth, and thirty-fifth articles and orders) which shall not be committed upon the main sea, or in great rivers only, beneath the bridges of the said rivers, nigh to the sea, or in the haven, river, or creek, within the jurisdiction of the admiralty, and which shall not be committed by such persons as, at the time of the offence committed, shall be in actual service and full pay in the fleet or ships of war of his majesty, his heirs or successors, such persons only excepted, and for such offences only, as are described in the fifth article of war.

No land officer  
or soldier to be  
tried.

Sect. 5.

Nothing in this act contained shall extend, or be construed to extend, to empower any court martial to proceed to the punishment or trial, of any land officer or soldier on board any transport ship, for any offences specified in the

several articles of this act. The lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain for the time being, shall have full power and authority to grant commissions, to any officer commanding in chief any fleet or squadron of ships of war, to call and assemble courts martial, consisting of commanders and captains; and that in case any officer commanding in chief any fleet or squadron of ships of war (who shall be authorized by the lord high admiral, or the commissioners for executing the office of lord high admiral for the time being, to call and assemble courts martial in foreign parts) shall happen to die, or be recalled, or removed from his command, then the officer upon whom the command of the said fleet or squadron shall devolve, and so from time to time the officer who shall have the command of the said fleet or squadron, shall have the same power to call and assemble courts martial as the first commander in chief of the said fleet or squadron was invested with.

22 Geo. 2. c. 33.  
Commissions to be granted to assemble courts martial.

To devolve in foreign parts with the command of a fleet or squadron.

No commander in chief of any fleet or squadron of his majesty's ships, or detachment thereof, consisting of more than five ships, shall preside at any court martial in foreign parts; but that the officer next in command to such officer commanding in chief shall hold such court martial, and preside thereat; any law, custom, or usage, to the contrary notwithstanding.

No commander in chief in foreign parts to preside at a court martial. Sect. 7.

In case any commander in chief of any fleet or squadron of his majesty's ships or vessels of war in foreign parts shall detach any part of such fleet or squadron, every commander in chief shall, and is hereby authorized and re-

Commanders of detachments to be empowered to hold courts martial. Sect. 8.

22 Geo. 2. c. 33. quired, by writing under his hand, to empower the chief commander of the squadron or detachment so ordered on such separate service (and in case of his death or removal, the officer to whom the command of such separate squadron or detachment shall belong) to hold courts martial, during the time of such separate service, or until the commander of the said detachment for the time being, shall return to his commander in chief, or shall come under the command of any other his superior officer, or return to Great Britain or Ireland.

Five ships meeting, senior officer may hold courts martial, and preside.  
Sect. 9.

If any five or more of his majesty's ships or vessels of war shall happen to meet together in foreign parts, then, and in such case, it shall be lawful for the senior officer of the said ships or vessels to hold courts martial, and preside thereat, from time to time, as there shall be occasion, during so long time as the said ships or vessels of war, or any five or more of them, shall continue together.

If a material objection to the second officer in command, the third may be appointed to hold courts martial.  
Sect. 10.

That when any material objection occurs, which may render it improper for the person who is next in command to the senior officer, or commander in chief, of any fleet or squadron of his majesty's ships of war in foreign parts to hold courts martial, or preside thereat, in such case it shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral, for the time being, as also the commander in chief of any such fleet or squadron of his majesty's ships in foreign parts, respectively to appoint the third officer in command to preside at or hold such court martial.

It shall be lawful for the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral for the time being, and they are hereby respectively authorized from time to time, as there shall be occasion, to direct any flag officer, or captain of any of his majesty's ships of war, who shall be in any port of Great Britain or Ireland, to hold courts martial in any such ports, provided such flag officer or captain be the first, second, or third in command in such port, as shall be found most expedient, and for the good of his majesty's service; and such flag officer or captain, so directed to hold courts martial, shall preside at such court martial, any thing herein contained to the contrary notwithstanding.

In Great Britain or Ireland, the admiralty may appoint the first, second, or third officer in command in any port to hold courts martial.

22 Geo. 2. c. 33.  
c. 11.

No courts martial to be held or appointed by virtue of this present act shall consist of more than thirteen, or of less than five persons, to be composed of such flag officers, captains, or commanders, then and there present, as are next in seniority to the officer who presides at the court martial.

Court martial not to consist of more than thirteen, or less than five, next to the officer in seniority providing.

Sect. 12.

Nothing herein contained shall extend, or be construed to extend, to authorize and empower the lord high admiral, or the commissioners for executing the office of lord high admiral, or any officer empowered to hold courts martial, to direct or ascertain the particular number of persons of which any court martial, to be held or appointed by virtue of this present act, shall consist.

Particular number not to be ascertained by the admiralty or officer empowered to order or hold courts martial.

Sect. 13.

In case any court martial be appointed to be held at any place where there are no less than three, nor yet so many as five officers, of the degree and denomination of a post captain, or

In what cases commanders may assist.

Sect. 14.



22 Geo. 2. c. 33. of a superior rank, to be found, then it shall be lawful for the officer, at the place appointed for holding such court martial, who is to preside at the same, to call to his assistance as many of the commanders of his majesty's vessels, under the rank and degree of a post captain, as, together with the post captains then and there present, will make up the number of five, to hold such court martial.

No member to go on shore before sentence be given.

Sect. 15.

No member of any court martial, after the trial is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being cashiered from his majesty's service; nor shall the proceedings of the said court be delayed by the absence of any of its members, provided a sufficient number doth remain to compose the said court, which shall and is hereby required to sit from day to day (Sundays always excepted) until the sentence be given \*.

Form of oath to be administered to the members

Sect. 16.

Upon all trials of offenders by any court martial, all the officers present who are to constitute the said court martial, before they pro-

\* It having been found by experience, that the confining members of courts martial to the ship in which such courts martial were ordered to be assembled until sentence was given, had been attended with great inconvenience and prejudice to the health of officers summoned to attend as members—By 19 Geo. 3. c. 17. sect. 1, 2. this clause of the act is repealed and made void to all intents and purposes: and provided always, that the proceedings of any court martial shall not be delayed by the absence of any of its members when a sufficient number doth remain to compose such court, which is required to sit from day to day (Sundays always excepted) until the sentence be given. And no member of the said court martial shall absent himself from the said court during the whole course of the trial, upon pain of being cashiered from his majesty's service, except in case of sickness, or other extraordinary and indispensable occasion, to be judged by the said court.

ceed to such trial, take such oath as is herein 22 Geo. 2. c. 33. after mentioned, upon the Holy Evangelists, before the court ; which oath the judge advocate, or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say) :

*I, A. B. do swear, that I will duly administer justice according to the articles and orders established by an act passed in the twenty-second year of the reign of his majesty King George the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majesty's ships, vessels, and forces by sea, without partiality, favour, or affection ; and if any case shall arise which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in like cases ; and I do further swear, that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereunto required by act of parliament.*

So help me God.

As soon as the oath shall have been administered to the respective members, the president of the court of hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words :

Oath to be administered to the judge advocate.

*I, A. B. do swear, that I will not upon any account, at any time whatsoever, disclose or*

12 Geo. 2. c. 33.

*discover the vote or opinion of any particular member of this court martial, unless thereunto required by act of parliament.*

So help me God.

Court may punish persons refusing to give evidence, or prevaricating, or behaving with contempt.

Witnesses committing perjury, how to be prosecuted.

3 H. 2. c. 9.

2 Geo. 2. c. 25.

In case any person in the fleet, being called upon to give evidence at any court martial, shall refuse to give evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination upon oath at any such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in his majesty's court of king's bench, by indictment or information; and every issue joined in any such indictment or information shall be tried by good and lawful men of the county of Middlesex, or such other county as the said court of king's bench shall direct; and all and every person and persons, being lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences respectively by two acts of parliament, the one made in the fifth year of the reign of Queen Elizabeth, intituled, *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*; and the other made in the second year of the reign of his present majesty, intituled, *An Act for the preventing and*

*further Punishment of Forgery, Perjury, and Sub- 11 Geo. 2 c. 13.  
ornation of Perjury; and to make it Felony to steal  
Bonds, Notes, or other Securities for Payment of  
Money.*

And be it further enacted, by the authority Sect. 18.  
aforesaid, that in every information or indictment to be prosecuted by virtue of this act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission or authority for holding the court martial, and without setting forth the particular matter tried, or directed or intended to be tried before such court.

No sentence of death given by any court martial held within the narrow seas (except in cases of mutiny) shall be put in execution till after the report of the proceeding of the said court shall have been made to the lord high admiral, or the commissioners for executing the office of lord high admiral, and his or their directions shall have been given therein; and if the said court shall have been held beyond the narrow seas, then such sentence of death shall not be carried into execution but by order of the commander of the fleet or squadron wherein sentence was passed; and in cases where sentence of death shall be passed in any squadron detached from any other fleet or squadron upon a separate service, then such sentence of death (except in cases of mutiny) shall not be put in execution but by order of the commander of the fleet or squadron from which such detachment shall have been made, or of the lord high admiral, or commissioners for executing the office of lord high admiral; and in cases where sentence of death

Sentences of death (except in cases of mutiny) not to be executed without directions from the admiralty.  
Sect. 19.

22 Geo. 2. c. 33. shall be passed in any court martial held by the senior officer of five or more of his majesty's ships which shall happen to meet together in foreign parts, pursuant to the power hereinbefore given, then such sentence of death (except in cases of mutiny) shall not be carried into execution but by order of the lord high admiral, or commissioners for executing the office of lord high admiral.

Judge advocate  
to administer  
oaths to wit-  
nesses.  
Sect. 20.

The judge advocate for the time being of any fleet, or his deputy, shall have full power and authority, and is hereby required, to administer an oath to any witness at any trial by court martial; and in the absence of the judge advocate and his deputy, the court martial shall have full power and authority to appoint any person to execute the office of judge advocate.

This act to be  
in force with  
regard to crews  
of ships lost.  
Sect. 21.

All the powers given by the several articles and orders established by this act shall remain and be in full force with respect to the crews of such of his majesty's ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority, given to the officers of the said ship or ships shall remain and be in full force as effectually as if such ship or ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his majesty's further service, or removed into some other of his majesty's ships of war, or until a court martial shall be held, pursuant to the custom of the navy in such cases, to enquire into the causes of the loss of the said ship or ships; and if upon such enquiry it shall appear, by the sentence of the court martial, that all or any of the officers or seamen of the said ship or

ships did their utmost to preserve, get off, or recover the said ship or ships, and since the loss thereof have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein-before established, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; or if they shall be then alive, to the time of the holding of such court martial, or removal into some other of his majesty's ships of war; and every such officer and seaman of any of his majesty's ships of war, who, after the wreck or loss of his ship, shall act contrary to the discipline of the navy, and the several articles and orders herein before established, or any of them, shall be sentenced by the said court martial, and punished as if the ship to which he did belong was not so wrecked, lost, or destroyed.

All the pay and wages of such officers and seamen of any of his majesty's ships as are taken by the enemy, and upon enquiry at a court martial shall appear, by the sentence of the said court, to have done their utmost to defend the said ship or ships, and since the taking thereof to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein-before established, shall continue and go on, and be paid, from the time of their being so taken to the time of the holding of such court martial, or until they shall be regularly discharged from his majesty's service, or removed into some other of his majesty's ships of war, or (if they shall die in captivity, or not

Continuance of wages to men belonging to ships taken by an enemy.  
Sect. 22.

22 Geo. 2. c. 33. live to the time of the holding of such court martial) to the time of their death, in such manner, and not otherwise, as if the said ship or ships to which they did belong respectively was not, or were not, so taken.

Persons not to  
be tried after a  
certain time.  
Sect. 23.

No person or persons not flying from justice shall be tried or punished by any court martial for any offence committed against this act, unless the complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the office of lord high admiral for the time being, or any commander in chief of his majesty's squadrons or ships empowered to hold courts martial, or unless a court martial to try such offender shall be ordered by the said lord high admiral, or the said commissioners, or the said commander in chief, either within three years after such offence shall be committed, or within one year after the return of the ship or of the squadron to which such offender shall belong, into any ports of Great Britain or Ireland, or within one year after the return of such offender into Great Britain or Ireland.

Extended to  
officers and  
seamen serving  
in the lakes, &c.  
in *North Ame-*  
rica.

By the 29 Geo. 2. c. 27. all the articles, orders, powers, authorities, clauses, matters, and things, contained in the above act of 22 Geo. 2. c. 33. shall be deemed to be in full force, and shall be observed and executed for the trial and punishment of all offences specified therein, which shall be committed by any officers, seamen, or other persons respectively, who shall serve on board of any of his majesty's ships or vessels employed in or upon such lakes, great waters, or rivers, in *North America*, as fully and effectually, to all intents and purposes, as if the same had been committed upon

the main sea, or in great rivers, beneath the first bridges of the said rivers nigh to the sea, or in any haven, river, or creek, within the jurisdiction of the admiralty of Great Britain.

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AS the *Forms of Proceeding at Naval Courts Martial from the Arrest to the Execution* may be interesting to our readers, we have made copious extracts from M'Arthur's Treatise, the only book of authority published on the subject.

PREVIOUS to any complaint or accusation by the commanding officer of the ship, it is supposed, that the offender is under arrest, or in custody. The particular facts charged, and in what manner committed, with the time and place, are directed to be specified in all complaints for bringing offenders to trial by court martial, upon similar principles as is directed by courts of law in all indictments. The *time* may be very material, where there is any limitation in point of *time* assigned for the prosecution of offenders, as is the case in courts martial by 22 Geo. 2. c. 33. s. 23. which enacts, That no person not flying from justice shall be tried or punished by any court martial for any offence, unless the complaint of such offence be made in writing, or unless a court martial to try such offender shall be ordered within three years after the offence shall be committed, or within one year after the return of the ship into any of the ports of Great Britain or Ireland.

M'Arthur on  
Naval Courts  
Martial, p. 94,  
95, 96, to 163.



M'Arthur on  
Naval Courts  
Martial.

The *place* is necessary to be named, in order to ascertain that the crime was committed within the jurisdiction of the court.

Bl.Com. vol. iv.  
p. 306.

The offence itself ought to be set forth with clearness and certainty ; and the same rule should be observed in complaints or accusations against offenders as is practised in courts of law in indictments, where, in some crimes, particular words of art must be used, which are so appropriated by the law to express the precise idea which it entertains of the offence, that no other words, however synonymous they may seem, are capable of doing. Thus in cases of *mutiny*, the facts must be said to be done " in a " *mutinous* or *seditionous* manner." If an accusation of murder, it is necessary to say, that the party accused "*murdered*, not killed." If with an intent to murder, it is necessary to say, " did in a *wilful* and *malicious* manner," &c. And in all other offences, it is a rule to adhere to the words appropriated to them in the act of parliament, or different articles of war, under which they fall.

In Great Britain or Ireland, any complaint or accusation is to be transmitted by the commander in chief, or senior officer, to the lords commissioners of the admiralty, who thereupon issue an order or commission for assembling a court martial to try the party accused ; and the order may be directed to the first, second, or third in command, as may be found most expedient, and for the good of his majesty's service ; and such flag officer or captain so directed shall preside at such court martial.

In the absence of the judge advocate, or his deputy, it is usual for the officer who is directed to assemble the court martial, in this stage of

the procedure, to nominate some person to officiate as judge advocate on the occasion; and in which appointment, according to the construction of the statute before quoted, a majority of the members, when the court is assembled, should concur.

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Martial.

The president likewise appoints a person to officiate as provost-marshal on the occasion, who is to take the party accused into custody, to produce him at the time of trial, and to keep him until he shall be delivered by due course of law.

The commander in chief issues memorandums of notice, or summonses, to the respective flag officers and captains of the ships of the squadron then and there present, announcing a court martial to be held on board of a particular ship on a stated day. At the same time he directs the president to assemble the court at the place and time accordingly, and to give notice to the respective flag officers, that they may attend in like manner. He likewise issues a memorandum to the captain of the ship on board of which the court is to be assembled, that he may make the established signal for a court martial at the given hour of the day appointed.

The judge advocate, or the person appointed to officiate upon that occasion, is to give the person accused timely notice of his intended trial, and an attested copy of the charge or accusation exhibited against him, that he may prepare for his defence; and he should likewise summons the several witnesses (being persons subject to the jurisdiction of the admiralty), who may be called upon to give evidence,

McArthur on  
Naval Courts  
Martial.

either in support of the charge, or in defence of the party accused.

As soon as all the officers who are to constitute the court are assembled, at the time and place appointed ; if any member have absented himself through ill health, the same is to be minutely certified to the court ; and the surgeon of the ship, while such member commands, must attend, that he may attest upon oath, if required, the truth of his inability through ill health : should he decline so doing, and the other testimonials be deemed inadmissible, the members then assembled may immediately break up, as not being authorized to form a court and dispense with the non-attendance of a member not legally excused. The reasons are to be stated in a letter to the admiralty, signed by all the members assembled for the purpose of constituting a court agreeably to notice and signal.

On the other hand, where the testimonials of a member's inability to attend are admitted, the court may be formed, and the judge advocate takes the fact down in the minutes, immediately after the names of the members present in the form prescribed.

The members being seated to right and left of the president, according to seniority, and the judge advocate facing him at the bottom of the table, the president is to cause the party accused to be brought into court, attended by the provost-marshal ; and all the witnesses, as well in support of the charge as in the prisoner's defence, and every other person who shall choose, being admitted, the judge advocate, standing up, reads the order for assembling the court, and likewise the order or warrant of his

own appointment : he then administers to the respective members the oath prescribed by act of parliament ; and afterwards the president of the court administers to the judge advocate the customary oath of secrecy prescribed by the statute.

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The judge advocate then reads the letter of accusation or charge against the prisoner ; and all the witnesses are then ordered to withdraw, except the first that the prosecutor means to produce in support of the charge, who remains in court, and to whom the judge advocate administers the usual oath. As the oath administered to the witnesses is not only that which he deposes shall be true, but that he shall also depose the *whole* truth, he is not to conceal any part of what he knows, whether interrogated particularly to that point or not. The president of the court martial usually desires him to relate what he knows respecting the charge against the prisoner ; and afterwards the members, with the approbation of the president, put such interrogatories as they may think proper and necessary for investigating the truth.

By the common law, it is a settled rule, that no counsel shall be allowed to a prisoner upon his trial for any capital crime (except in the case of high treason) upon the general issue ; but though no counsel is allowed to plead in behalf of any prisoner arraigned for any capital crime, it is nevertheless usual for the judge to permit such prisoner to have a counsel to examine the witnesses, both on the part of the crown, and in exculpation of the prisoner. This is always allowed with respect to matters of *fact* ; and as to matters of law arising on the trial, prisoners

M<sup>r</sup>Arthur on  
Naval Courts  
Martial.

are upon all occasions entitled to the assistance of counsel.

In analogous conformity to this principle, it is the practice at courts martial to indulge the prisoner with counsel, who may sit or stand near him, and instruct him what questions to ask the witnesses with respect to matters of fact before the court; and may even commit to paper the necessary interrogatories as they arise, which the prisoner may give on separate slips to the judge advocate, who reads them to the court, and, if approved of, inserts them literally in the minutes, with the answers given by the witnesses.

The same rules of evidence are adhered to at courts martial as are in all criminal cases admitted by law.

It appears to be the practice both at naval and military courts martial, to produce two or more witnesses when they can be procured; but when two or more cannot be had, one positive evidence to facts is often deemed competent to convict the party accused; but this, as Lord Chief Justice Hale observes, must be very warily admitted, it being held better that ten guilty persons escape than that one innocent person should suffer \*.

In case any person amenable to the jurisdiction of a court martial shall refuse to give evidence, or prevaricate in the course of his examination, the court is authorized to punish

\* For the better information of those persons desirous of more accurate information relative to naval courts martial, we cannot do better than refer the reader to the book itself, where the origin, the practice, forms, &c. of naval courts martial are concisely yet judiciously and perspicuously treated, and the practice compared with the practice at common law.

such person by three months imprisonment ; or should any person behave with contempt, he may be imprisoned for one month.

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After the examination of all the witnesses produced in support of the charge, as well as those in favour of the party accused, the court being cleared, the members are to proceed to judgment, or, speaking according to technical language, to determine whether the charge against the prisoner be *proved* or *not proved*, and if found guilty to pronounce that judgment which the articles of war, or laws of the land, have specifically appropriated to the offence in question. For this purpose the court is accordingly closed, and the members of the court maturely deliberate and weigh the facts alledged on both sides, the credibility of the witnesses, the force and efficacy of their testimony, the several degrees of guilt connected with the facts, either as principals or accessories. under the various circumstances exhibited to them in the course of investigation.

The court having duly weighed the evidence produced on both sides, and taken into mature consideration the palliating circumstances either offered in the defence, or which may have arisen in the investigation of facts, the judge advocate states the question respecting the prisoner's guilt, and which at naval courts martial is put to each member separately, beginning with the junior, and ending with the president. The question is usually put in the following words : " Are you of opinion, that the charge against the prisoner is *proved*, or *not proved* ? " Or thus, " to be *guilty*, or *not guilty*, of the crime laid to his charge ? " Should the majority of members be of opinion, that the charge is

M<sup>r</sup> Arthur on  
Naval Courts  
Martial.

proved, these members consequently are to assign the punishment to be inflicted. It is to be observed, that in order to give force and validity to the judgment of the majority, the sentence of a court martial is to be signed by all the members present, although they may differ in opinion.

Mutiny Act,  
Art. 7.

At general *military* courts martial, it is necessary, in judgment of death, that nine members out of thirteen, or two-thirds of those present, concur therein, if more than thirteen members constitute the court.

It will be observed, that there are many crimes in the articles of war that have expressly annexed to them the punishment of death, without any alternative. The twelfth article, as it formerly stood, positively prescribed death. It was under this article that the unfortunate Admiral Byng suffered, although earnestly recommended to mercy, and notwithstanding a letter from the court complaining of the severity of that article, which admitted no mitigation.

13 Geo. 3. c. 17.  
Articles 4. 5. 6,  
10, 11, 12, 14,  
16, 17, 19, 20,  
22, 26. 27, 30,  
34, 35.

Articles 1, 2, 7,  
8, 9, 18, 21,  
23, 24, 32, 33,  
36.

It was, however, thought proper to amend this, with several other articles, in the cases specified, wherein it is left discretionary in the court to inflict the punishment of death, *or such other punishment as the nature and degree of the offence shall be found to deserve.* Other articles omit the word *death*, and leave the punishment to be inflicted to the discretion of a court martial; and as those articles are for the punishment of offences of not so flagrant a nature, it is obvious, that the wisdom of the legislature meant to exclude the power of a court martial to inflict a capital punishment for any of the specific offences left discretionary.

Some of these articles leave no discretionary power to the court martial, but expressly restrict the punishment to cashiering the offender, or dismissing him from his majesty's service. Articles 18, 31, 33.

If the charge proved against a prisoner should fall under any of those articles of war in which the punishment of death is expressly annexed, without any alternative or deviation, under circumstances however alleviating, no further questions or deliberations of the court are necessary to impede pronouncing the sentence.

The sentences of naval courts martial and those of the army differ in these particulars :— Mutiny Act,  
Article 5, p. 14.  
In the navy, they are final, and pronounced *instantly* in open court; for the members of army courts martial are sworn not to divulge the sentence of the court, until it shall be approved of by his majesty, or by some person authorized by him.

When the majority of the members have given an opinion that the charge has been found proved, and that it falls under any of the articles in which the cases are left discretionary to the court to inflict the punishment of death, *or such other punishment as the nature and degree of the offence shall be found to deserve*, it is usual to state a second question to the members of the court, whether or not the punishment to be inflicted is to be capital? If this be determined in the negative, another question must necessarily arise respecting the nature and extent of the punishment to be inflicted, whether corporal, cashiering, mulcting of pay, imprisonment, &c.; or it may be stated in general terms what punishment, other than death, shall be inflicted on the prisoner? This being determined, the judge advocate draws up the sentence, the court



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is opened, all parties are admitted, and judgment pronounced accordingly.

Should no reprieve or pardon intervene, execution of course must follow. A reprieve is merely a temporary suspension of execution, and may be continued from time to time : a pardon, on the contrary, is permanent, and must be under the great seal. When a pardon is extended to a criminal sentenced by a naval court martial, it is sent to the lords commissioners of the admiralty, who immediately transmit, as secret, their order of reprieve or pardon to the commander in chief, or senior officer at the place for the time being, where the execution would take place, signed by the lords, under the admiralty seal, signifying his majesty's royal mercy, and directing the commander in chief to keep the whole of the order *extremely secret*, until the offender is, on the day appointed for execution, brought upon deck, and every thing prepared for his execution, agreeably to the custom of the navy ; and then only to make known to him his majesty's pleasure, and to release him from confinement.

In carrying the sentences of courts martial into execution for corporal punishment, the admiral or commanding officer is to issue orders to the captain of the flag, or other particular ship, to make the signal for the boats of the squadron to assemble, manned and armed, on the day appointed, to attend the punishment, and likewise orders to the other captains to send a lieutenant with a boat, manned and armed, from their respective ships, to attend and assist thereat.

An order is at the same time issued to the captain or commander of the ship to which the

prisoner belongs (accompanied with a copy of the sentence) directing him to cause the punishment to be inflicted along-side of the different ships, in the manner, and in such proportions, as are therein specified. In the order it is usual to include directions to the captain to cause the surgeon of his ship to attend in the boat with the lieutenant, as well as one of his mates in the long-boat with the prisoner, for the purpose of judging of the prisoner's ability to bear all his punishment, which the surgeon may put a stop to when he conceives the prisoner is not able to bear any more with safety.

McArthur on  
Naval Courts  
Martial.

The provost-marshal is ordered to attend the punishment, and to read publicly the sentence of the court martial along-side each ship respectively.

When a sentence of death is approved of by the king, the warrants for execution is transmitted by the admiralty to the officer commanding the ships and vessels at the place for the time being, who issue the necessary orders, agreeably to the forms of the service, and preparations are made accordingly.

On the morning destined for the execution, the signal of death is displayed, and the boats of the squadron, manned and armed, surround the ship appointed for the execution. The crews of the respective ships are arranged on deck, when the articles of war are read—after which a gun is fired; and at the same moment the unhappy victim who has violated the laws of his country is run up by the neck to the yard-arm, a terrible example to the surrounding spectators.

### Customs, Seizure, &c.

THE laws relative to this branch of the royal revenues are not only numerous, but of remote antiquity ; the more ancient part of which, before commerce had arrived to its present magnitude, arose chiefly from exports. The produce of these duties is said to be vested in the king for the two following reasons, viz. 1<sup>st</sup>, Because he gave the subject leave to depart the kingdom, and to carry his goods along with him ; and, 2<sup>dly</sup>, Because the king was bound of common right to maintain and keep up the ports and havens, and to protect the merchants from pirates. It is said by Sir Edward Coke, 2 Inst. 58. 9. that the king's first claim to these duties was by grant from parliament, in the third year of Edward I.—Exclusive of these, there were formerly other species of customs payable upon exports and imports, such as subsidies, tonnage, poundage, &c. ; all of which are now blended together, except in one or two instances, where distinct duties are paid upon tonnage, under the general denomination of customs, by which are now understood certain duties imposed by parliament, and paid by the merchant at the quay upon all commodities, whether exported or imported (unless where, for particular reasons, bounties or drawbacks are allowed in favour of particular articles).—The duties of tonnage and poundage were granted at first, as is expressed by the old statutes (and particularly 1 Eliz. c. 19.), “ for the defence of the “ realm, and the keeping and safeguard of the seas, “ and for the intercourse of merchandize safely to come “ into and pass out of the same.”—They were originally granted only for a stated term of years ; but by a statute made in the 36<sup>th</sup> year of Henry VI. they were granted to that king for life, and again for life to Edward IV. ; since which time, until the reign of Charles I. they were regularly granted to all his successors for life. Upon the Re-

stitution, this duty was also granted for life to Charles II. and his two immediate successors; and by three several statutes, 9 Anne, c. 6. 1 Geo. I. c. 12. 3 Geo. I. c. 7. it was mortgaged for the debt of the public. In the 27th year of his present majesty, a most judicious arrangement was introduced, by which the merchant was enabled to understand, and almost instantaneously to ascertain, the duties payable; a species of knowledge which, before this act, was almost exclusively confined to excisemen and collectors; and as the various duties payable were numerous and widely dispersed among several acts of parliament, even the persons concerned in collecting them might frequently, through ignorance of so complex a subject, commit mistakes, by which either the merchant or the revenue must suffer. By this judicious and systematic simplification of these duties, contained in an act intitled the Consolidation Act, an improvement similar to which is very much wanted, and might be with facility applied, in various other departments, particularly that branch of the revenue arising from the stamp duties, all the former statutes imposing duties of customs and excise were repealed as to the quantum; the two books of rates formerly imposed were abolished; and a new book of rates introduced: a circumstance which, as Mr. Christian, in his note on 1 Comm. 316. "is of infinite consequence to the commercial world; it having reduced an important subject from a perfect chaos to such a plain and simple form as to induce every friend to his country to wish that similar experiments were made upon other confused and entangled branches of our statute law."

Of the various acts of more remote antiquity, and which principally relate to the officers of the customs, the following are the most material. With respect to the antiquity of these acts, and to shew how much the protection of trade was, from the earliest periods, the object of British legislation, it may be here observed, that so far back as Magna Charta, 9 Hen. 3. c. 3. it was enacted,

that "merchants may buy and sell by the ancient  
"customs."

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14 Rich. 2. c. 10. No customer, or comptroller of the customs, shall have any ships of his own, or meddle with the freight of ships.

3 Hen. 6. c. 3. Customers, collectors, or comptrollers, shall not conceal customs duly entered and paid, on pain to forfeit the treble value of merchandize so customed, and to make fine and ransom to the king.

20 Hen. 6. c. 5. No searcher, surveyor, &c. or their clerks, deputies, or servants, may have any such ships of their own; nor shall use merchandize, keep a wharf, inn, or tavern, or be factor, attorney, &c. to a merchant, under the penalty of 40l.

3 Hen. 4. c. 13. Customers and comptrollers shall reside upon their offices, and not make deputies.

4 Hen. 4. c. 27. Ships shall be laden in the great ports, and not in creeks.

Searchers shall reside on their offices, and not take more fees than appointed.

Various unlawful and direct means and devices having been daily put in practice to export and import prohibited goods, and thereby defrauding the revenue; and the custom-house officers having been frequently resisted and attacked by open violence in the execution of their duty; the legislature, to prevent these frauds and abuses, and to protect the officers, passed the following act, intituled,

13 & 14 Car. 2. c. 11. "An Act for preventing Frauds and regulating Abuses in his Majesty's Customs."

No ships from beyond sea to be longer than three days coming up from Gravesend unless hindered by contrary winds, draught of water, &c. Entries to be made on oath.

No ships to be more than three days coming from Gravesend. 13 & 14 Car. 2. c. 11. f. 2. Entries of all goods shipped and imported to be made at the Custom House. Sect. 3.

Outward-bound ships not to take goods a-board till entry is made at the Custom House, on penalty of 100l. Ships of war bringing goods inwards to make like entries, on penalty of 100l. On refusal to make such entries, as well outwards as inwards, the officers of the customs may go on board, and take out all goods prohibited or uncustomed, that shall be found on board such ship.

Officers of the customs empowered to search men of war and merchant-ships for uncustomed and prohibited goods. Masters, &c. suffering goods to be unpacked on board, and carried away, or put into other form or package, after the ship comes into port of discharge, shall forfeit 100l.

Officers of the customs may search men of war and merchant ships for prohibited goods. 13 & 14 Car. 2. c. 11. f. 4. 5 Geo. 3. c. 43. i. 1.

Goods found concealed in any ship after clearing, the master to forfeit 100l.

Forfeiture on goods found in any ship after clearing.—13 & 14 Car. 2. c. 11. f. 5.

Persons beating or abusing any Custom House officers in due execution of their office, either on board or a-shore, to be committed by the next justice of peace to prison till the next quarter sessions; and the justices of the said quarter sessions are empowered to punish the offenders by fine, not exceeding 100l. and to remain in prison till discharged by order of the exchequer, both of fine and imprisonment, or discover the person that set them to work, that he may legally be proceeded against.

Persons obstructing Custom House officers in their duty to be committed. Sect. 6.

Penalty on landing or shipping goods without the presence of some Custom House officer.  
 13 & 14 Car. 2.  
 c. 11. s. 7.  
 1 Anne, st. 1.  
 c. 26. s. 3.

No goods to be landed on any wharf, quay, or shipped off, without the presence of some Custom House officers (the port of *Hull* excepted by 1 Eliz. c. 11.); or goods passing by certificates, waste cocquet, or otherwise, without a Custom House officer; under penalty of 100*l.* to be paid by the wharfingers or keeper of such wharf or quay. Goods taken from the shore into any lighter, boat, &c. to be carried on board a ship outward-bound, or taken from ships arriving from foreign parts, without a warrant and the presence of one or more Custom House officers, such lighter, boat, &c. to be forfeited, and the master, &c. of any ship inward-bound, knowing and consenting thereto, to forfeit the value of the goods so unshipped; and any carman, porter, waterman, or other person assisting in the same, being apprehended by warrant from any justice of peace, to be imprisoned, and to find surety for their good behaviour; and for the second offence, to be imprisoned two months, or till payment of 5*l.* forfeit. Goods carried coastwise without a sufferance to be forfeited; masters of ships taking such goods to take out a cocquet, and give bond for delivery and discharge thereof in the port for which the same shall be entered, and to return a certificate within six months after the date of such cocquet, under the hands and seals of the Custom House officers, that such goods were there landed and discharged, under penalty of the forfeiture of the bond aforesaid.

Punishment of officers making false certificates.  
 13 & 14 Car. 2.  
 c. 11. s. 8.

Officers making false certificates shall forfeit their places and 50*l.* and are to be imprisoned a year, and incapable of serving in the customs for the future. Counterfeiting cocquets, certificates, 100*l.* penalty.

Goods secretly exported beyond sea, undiscovered, and undiscovered by the officers of the customs, the owners to forfeit double the value, computed according to the book of rates, except for coals secretly exported, for which double the duty and custom to be collected. 13 & 14 Car. 2.  
c. 11. f. 9.

Bill of entry to be subscribed by the merchant or his agent or known servant, and to contain the marks, numbers, and contents of parcels. Children of aliens, under age, not permitted to be traders, nor any goods entered in their names. Bill of entry to  
be subscribed by  
the merchant,  
&c.  
Sect. 10.

No party jury allowed in suits concerning the customs. Sect. 11.

Shipping less than expressed in the certificate forfeits the value, and the benefit of receiving any drawback. Goods shipped by certificate, and landed again in the same or any other port in Great Britain, Wales, or town of Berwick (unless by distress to save them from perishing, which is to be directly made known to the Custom House officers) to be forfeited, or their value. Forfeiture upon  
shipping less  
than expressed  
in the certifi-  
cate.  
Sect. 12.

None but officers of the customs to seize ships or goods for unlawful importation or exportation, or for not payment of any customs. Sect. 15.

In suits against officers of the customs, defendant may plead the general issue. Sect. 16.

Where the informer or seizer does not prosecute with effect for the bringing to trial and condemnation ships, goods, &c. the officers of the customs may sue. Sect. 17.



13 & 14 Car. 2.  
c. 11. s. 18.

No informer or officer to compound under one-third of the appraised value, upon penalty of losing his office.

Sect. 19.

100l. Penalty and incapacity on officers of the customs taking a bribe, or guilty of connivance; and 50l. penalty on the person giving such bribe.

Sect. 20.

Persons revealing their offence in two months to be acquitted.

Foreign goods to be landed at the quays appointed by the customer, and weighed, measured, and numbered, in presence of the officer.

Sect. 21.

Foreign goods to be landed at the quays appointed by the customer, &c. and to be weighed, measured, and numbered, in presence of the officers particularly appointed for that purpose, who are to perfect the entry, subscribe their names thereto, and next day following give account and make report of every entry so perfected to the customer, &c. or in default shall forfeit 100l.

No vessels employed ordinarily for carriage of letters, packets, &c. shall export or import.

Sect. 22.

No ship, vessel, or boat, employed and ordinarily for carriage of letters and packets shall export or import any merchandize or goods (unless allowed by the customer, &c.) upon the penalty of 100l. to be paid by the master, with the loss of his place, and forfeiture of all the goods and merchandize found on board.

All the king's officers, ministers, and subjects to be aiding to the officers of customs.

Sect. 23.

Officers of the admiralty, captains or commanders of ships, forts, castles, &c. as also justices of peace, mayors, sheriffs, bailiffs, constables, and headboroughs, and all king's officers, ministers, and subjects whatsoever, to be aiding to the officers of customs.

In the 5th year of George I. frauds and abuses still continuing to be practised, an act was passed "against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs."

Of this act the following is the substance :

If any ship, vessel, or boat, of the burthen of 5 Geo. 1. c. 11.  
fifteen tons or under, wherein any brandy, arrack, rum, strong waters, or spirits of any kind whatsoever, shall be imported into Great Britain, or into any port, harbour, haven, or creek thereof (except only for the use of the seamen then on board, not exceeding one gallon for each such seaman), such ship, vessel, or boat, with all her tackle, furniture, and apparel thereof, is forfeited and lost, and may be seized, recovered, broke up, and sold.

The above act having been frequently evaded, and a clandestine trade carried on, by importing these goods in ships and vessels *above fifteen ton*, another act was passed, 6 Geo. 1. c. 21. by which the above commodities were prohibited to be imported in vessels of the burthen of thirty tons or under. This act recites the former act, and applies the same forfeitures.

Ships of forty tons importing brandy, arrack, rum, strong waters, &c. shall be forfeited.

Offences relating to the customs may be 6 Geo. 1. c. 21.  
tried and determined in any court at *Westmin-* L. 44.  
*ster*.

50l. Penalty for offering to bribe an officer to connivance (whether the offer is ac- 9 Geo. 2. c. 35.  
cepted or not.) L. 24.

Indictments or informations for assaults upon Sec. 26.  
officers of customs or excise may be tried in any county of England.

Goods concealed in a ship after report made Sec. 27.  
at the custom house forfeited ; and the master forfeits treble the value.

9 Geo. 2. c. 35.  
s. 28.

Persons obstructing or wounding officers doing their duty to be transported for any term not exceeding seven years.

Officers may go on board coasting vessels, and search for prohibited goods.  
Sect. 29.

Officers of the customs or excise may go on board of coasting vessels, and search for prohibited and uncustomed goods, producing their deputations (if required), and remain on board during their continuance in the port; and any person opposing, molesting, or hindering the said officers in going or remaining on board, or in entering and searching the cabin, or any other part thereof, shall forfeit 100l.

Sect. 34.

In trials of seizures, judges to proceed on the merits, without enquiring into the form of the seizure.

25 Geo. 2. c. 31.  
s. 7.

Claimants of vessels seized to give security in 30l. — Penalty 60l. by 3 Geo. 2. c. 22. s. 8.

Claimants of vessels seized to give security, in the penalty of 30l. to answer and pay the costs occasioned by such claim; and in default of giving such security within the time limited by the course of that court where the vessel shall be prosecuted, such vessel shall be recovered. Security in penalty of 60l.

Vessel or goods seized by officers of the customs to be sold to the best bidder, at places appointed by the commissioner.  
Sect. 1.

Vessels or goods seized by officers of the customs to be sold publicly (except those vessels and goods as are by law liable to be burnt) to the best bidder, at such places as the commissioners shall think proper; one moiety of the net produce, after deducting the charges of condemnation, &c. to be given to the officers who made the seizure, and the other moiety to be paid into the exchequer.

Officer allowed two thirds upon wrought silks, &c. of Persian or East Indian manufacture; the whole upon wool, &c.; tobacco, snuff, &c.  
Sect. 2.

Officers of the customs and excise allowed as follows for seizing particular goods, viz. *two-thirds* on wrought silks of Persian or East Indian manufacture, and printed or painted calicoes. *The whole* upon wool. *3d. per lb.* for tobacco and snuff burnt or destroyed according to law.

1*l.* *per lb.* for tobacco stalks ; and for tea burnt or destroyed according to law, the officers shall be rewarded as the commissioner of the customs or excise shall think proper, not exceeding 2*s.* 6*d.* *per lb.* 3 Geo. 3 c. 22.

The king to direct how seizures by ships of war shall be divided. Sect. 4.

Foreign spirits imported, not for the ship's use, in any vessel of or under fifty tons burthen, both ship and spirits forfeited. Where spirits, tea, tobacco, &c. are forfeited by 9 Geo. 2. c. 55. f. 22. or 24 Geo. 2. c. 41. f. 26. the ship is also to be forfeited. Sect. 5.

The regulations of ships of fifty tons hovering are extended to the coasts of all the British dominions. Sect. 9.

Unentered goods concealed in any package sent to the king's store-houses, and which shall not be entered in twenty days after the first entry of the ship and the duties paid ; or goods concealed in any package brought on shore by special sufferance, and not specified therein, shall be forfeited, and may be seized and prosecuted by any officer of the customs; one moiety to the king, and the other to such officer. Unentered goods found concealed, &c. to be forfeited. 5 Geo. 3. c. 43. f. 1.

Foreign spirits not for the ship's use, imported in ships of one hundred tons burthen or under, both ship and spirits forfeited. Sect. 27.

Rum or geneva not to be imported in less than sixty gallon casks, on forfeiture thereof (except for the use of the seamen, not exceeding two gallons for each man). Rum or geneva not to be imported, except in sixty gallon casks. Sect. 28.

Plantation rum, imported directly from thence in small casks, without fraud or concealment, either for the master's use during the voyage, or for the private use of merchants im- In what manner plantation rum may be exported in smaller casks. Sect. 29.

5 Geo. 3. c. 43. porting the same, or designed as presents, and not by way of merchandize, is excepted, and the commissioners, if they think proper, may admit such rum to an entry, and cause the duties to be accepted instead of forfeiture.

Spirits shipped from Ireland, &c. when to be forfeited.  
Sect. 30.

Spirits shipped or entered for exportation from Ireland to any port or place not within that kingdom (except for the use of the seamen) in any vessel under one hundred tons, shall be forfeited, together with the ship.

No drawback on goods exported to Faro.  
Sect. 31.

No drawback or bounty shall be allowed on goods exported from Great Britain or Ireland to the islands of Faro, nor any cocquet or clearance granted for exporting any goods to the said islands which are prohibited to be worn or used either in Great Britain or Ireland.

Entering goods for foreign ports, excepting Faro, to obtain the drawback, &c.  
Sect. 32.

Persons entering goods, of whatever description, for exportation to foreign parts, in order to obtain the drawback or bounty; and that such goods shall nevertheless be carried and landed at the island of Faro, contrary to this act; in every such case the drawback or bounty paid or to be paid for the same shall be forfeited; and the exporter, and master of the ship, and every person concerned, shall forfeit treble the value of such goods, and the ship to be likewise forfeited.

Sect. 33.

The islands of Faro to be included in oaths upon debentures.

Sect. 34.

Coffee imported in less package than one hundred and twelve pounds shall be forfeited.

Hovering ships, &c. may be confiscated.  
Sect. 35.

Hovering ships under fifty tons from abroad, having twenty pounds of coffee or goods liable to forfeiture, may be seized and confiscated.

Officers of the customs or excise making seizures of spirits, tea, or any goods forfeited by this act or 9 Geo. 2. on board any ship or vessel, and shall not seize and prosecute the ship; or shall seize any goods that have been landed, removed, and carried contrary to law, and shall not seize the boat, cart, horse, or other cattle or carriage made use of in removing the said goods, and shall not discover to the commissioners of the customs and excise the persons concerned in unshipping and receiving such goods, so that they may be prosecuted, such officers instead of the moiety shall only receive one third part of the net produces arising by the sale of such goods.

Officers of the customs or excise making seizures, and not prosecuting the ship and discovering the parties concerned, instead of the moiety shall have only one-third part of the net produce arising from the sale of such goods.  
5 Geo. 3. c. 43. s. 39.

The following is the substance of the principal sections of the 27 Geo. 3. c. 13. generally known by the title of the CONSOLIDATION ACT :

The preamble to this act states, “ that the  
 “ present mode of charging and computing  
 “ the several duties of customs and excise, and  
 “ other duties under the commissioners of excise in England and Scotland respectively,  
 “ are in many instances intricate and complicated, and productive of much embarrassment to the persons who are to pay the same,  
 “ as well as of great perplexity in the accounts  
 “ of the public revenue ; and that it is necessary, for exemplifying the collection of the  
 “ duties to be granted by this act, that new  
 “ provisions should be made for the payment of  
 “ the several charges to which different  
 “ branches of the said duties are appropriated ;  
 “ and it will tend at all times to strengthen the  
 “ public credit that one general fund should be  
 “ established, comprehending all the different

27 Geo. 3 c. 13. “ branches of the revenue, and liable to all  
“ charges which are now payable out of the  
“ same.”

From May 10,  
1787, the pre-  
sent duties of  
customs and  
drawbacks are  
to cease.  
Sect. 1.

From May 10, 1787, the present duties of customs and drawbacks are to cease, except as to fines, penalties, forfeitures, &c. which may have been incurred previous to the above period : provided always, that nothing in this act contained shall extend to repeal or anywise alter the duties of package, scavage, balliage, or portage, or any other duties payable to the city of London, or any other town corporate, within the kingdom of Great Britain.

By the second section, the duties contained in the schedules annexed to the act, and the drawbacks therein, are to be allowed in lieu of others, which are then to cease.

When draw-  
backs not to be  
allowed.  
Sect. 3.

Drawbacks are not to be allowed, except the goods be properly entered for exportation, and actually shipped within three years from their importation ; nor unless they are claimed within two years after being so shipped.

Sect. 4.

Duties to be under the management of the commissioners of the customs in England and Scotland respectively.

Sect. 5.

New duties and drawbacks to be levied and allowed in like manner as the old duties ; and the penalties for offences against any acts in force on May 10, 1787, for securing the revenue are extended to this act as far as the same are not hereby altered.

Sect. 6.

The acts in force on May 10, 1787, relative to the customs, to remain in force, unless hereby altered.

Sect. 7.

Whereas the words *British-built ship*, or *British-built ships*, are inserted in the schedule or

tables annexed to this act, the same shall be understood, deemed, and taken to mean a British-built ship or British-built ships, or a prize ship taken at sea by letters of marque or reprisal, legally condemned in a court of admiralty, owned, navigated, and registered according to law, and none other. 27 Geo. 3. c. 13.

Goods permitted to be entered duty free by acts in force on May 10, 1787, are not to be subject to duty, unless particularly charged therewith in the schedule. Sect. 8.

No drawback to be granted, unless allowed by acts in force on May 10, 1787. Sect. 9.

No goods to be imported or exported contrary to acts in force on May 10, 1787, unless permitted by this act. Sect. 10.

Bonds for duties may be given as heretofore (except the duties on coals. which shall be paid in ready money, without any discount, or liberty to bond the same.) Sect. 11.

All goods imported except diamonds, jewels, pearls, precious stones, and bullion; fresh fish British taken, and imported in British-built vessels, owned, navigated, and registered according to law; turbot and lobsters, however taken and imported; are to be entered at the custom house, and landed in the presence of the proper officer, who shall examine the same, and shall not deliver them out of his custody until he shall have taken a particular account of the quantities and species of such goods. All goods, except diamonds, bullion, fish, &c. to be entered and landed in the presence of the proper officer. Sect. 12.

If more than three dozens of bottles, or ten gallons in casks of wine imported into any outport, be carried therefrom to within twenty miles of London, without a certificate that the difference of the duties at London and the out- Not more than three dozen bottles, or ten gallons of wine, to be carried to within twenty miles of London without certificate of duty being paid. — Sect. 14.



27 Geo. 3. c. 13. port is paid, such wine, together with the casks containing the same, may be seized by any officer of the customs or excise.

Sect. 14. If wine so removing from an out-port to London, for which the duties have been duly paid, should be staved, the owner shall be repaid the difference of the duties at the out-port and at London.

The fifteenth section relates to goods imported by the East India Company.

The sixteenth recites the books of rates of the 12 Car. 2. and the 11 Geo. 1. ; and enacts, that all goods whose duties are not fixed by the schedule annexed shall be liable to the duties, and entitled to the drawbacks set forth in another table therein referred to.

To prevent frauds in the representation of the value of the goods, the following equitable regulation is prescribed :

How goods are  
to be valued.  
Sect. 17, 18,  
19, 20.

The proprietor himself shall declare the value of the goods imported or exported ; and if this should appear not to be a fair and true estimate, the goods may be seized by the proper officer, and four of the commissioners of the customs may direct, that the owner shall be paid the price which he himself fixed upon them, with an advance of 10l. *per cent.* besides all the duty which he may have paid ; and they may then order the goods to be publicly sold ; and if they raise any sum beyond what was paid to the owner and the subsequent expences, one half of the overplus shall be paid to the officer making the seizure, and the other half to the public revenue.

Sect. 20. Collectors of the customs to account for money received for sale of goods undervalued as for duties granted by this act.

The four following sections, viz. the twenty-first, twenty-second, twenty-third, and twenty-fourth, relate to the treaty of navigation and commerce with France, and which are now annulled. 27 Geo. 3. c. 13.

The East India Company are to pay, at the times they become due by law, their duties to the receiver-general of the customs, whose receipt shall be received as cash by the collector. Sect. 26.

Duties collected in the port of London to be paid to the receiver-general on the days they are received. Sect. 27.

Monies due on debentures for drawbacks or premiums, if due in London, to be paid by the receiver-general. Sect. 28.

Such debentures not due in London may be paid by the respective collectors at the out-ports. Sect. 29.

This act not to alter or affect any bounty or premium now payable out of the revenue of the customs. Sect. 30.

By this section the rules and regulations annexed to the two books of rates of 12 Car. 2. and 11 Geo. 1. are repealed. Sect. 31.

Fish caught by any vessels built in his majesty's dominions, and owned by his majesty's European subjects, may be imported without paying any duty. Sect. 32.

If goods on which duties are payable according to their weight, &c. should be damaged on the voyage, a proportionable allowance out of the duties shall be paid to the merchant, to be ascertained in the following manner: On proof of such damage previously ascertained, in the manner required by law, the principal officers Commissioners may make allowances upon goods damaged. How damage is to be ascertained. Sect. 33.

27 Geo. 3. c. 13. of the customs; or any two of them, whereof the collector for the time being shall be one; shall have power to choose two indifferent merchants, experienced in the value of such goods, who upon viewing the same shall certify and declare, upon their corporal oaths, first administered by the said officers who are hereby authorized to administer the same, what damage such goods shall have received, and how much the same are lessened in their true value, according to such damage; and thereupon the proper officers shall, and they are hereby authorized, to make a just, reasonable, and proportionable allowance to the merchant, by way of return or repayment, out of the duties due, and which shall have been actually paid for the same.

Scd. 34.

Goods to continue to be laden and unladen, and officers of the customs to attend at the same hours, and the same fees to be received, as now established by law.

The following sections relate to

#### THE EXCISE.

From the 10th of May 1787, the duties of excise to cease, except as to certain articles, &c.  
Sect.

From the 10th day of May 1787, the present duties of excise to cease, except in all cases relating to the recovering, allowing, or paying any arrears thereof respectively which may at that time remain unpaid, or to any fine, penalty, or forfeiture relating thereto, which shall have been incurred before the 10th day of May 1787, and save and except the duties upon malt, mum, cyder, and perry, granted by the 26th and 27th of his present majesty; and save also and further except the rates or duties payable for any licence or licences, which the

said commissioners of excise, or the collectors, supervisors, or officers of excise, or any of them, are or have been, by any act of parliament in force on and immediately before the said 10th day of May 1787, authorized or empowered to grant. 27 Geo. 3. c. 13.

Other duties of excise are enacted in lieu of those repealed, and the new duties are placed under the management of the commissioners of excise, to be accounted for in the same manner as the repealed duties were. Sect. 36, 37.

The new duties may be raised, and drawbacks allowed in like manner as by the old duties were raised and allowed (except where any alteration is expressly made by this act); and that the goods chargeable with the duties of excise by this act shall be subject to the conditions to which they were subject by law on May 10, 1787, and the penalties then in force to be extended to this act. New duties are subject to the same regulations and the same penalties as before this act. Sect. 37.

Duties on specific quantities of goods to apply proportionably to any less quantities. Sect. 39.

All duties collected after May 10, 1737, either of customs or excise, though due before that day, may be applied as the duties imposed by this act \*.

In all cases where any ship, vessel, boat, or goods of what kind soever, shall be seized by any officer of his majesty's customs, the commissioners of the customs may order the whole to be paid out of his majesty's share of any seizure, &c.; and the officer to receive his full share of the net produce.—30 Geo. 3. c. 43. Commissioners of the customs may order the expences of seizure, &c. of vessels, &c. to

\* The remaining sections of this act relating to the commissioners of the stamps, directing the duties of customs, excise, stamps, hackney coaches, post-office, &c. to be carried into one fund, called the consolidated fund, and various other branches, are not detailed, as not connected with the present work.

30 Geo. 3. c. 43. or any part of the expences of seizure, custody, removal, detention, or prosecution of any such goods whatsoever, whether such goods be condemned or not, and the charges and expences arising from the condemnation and sale, or other disposal of any such goods, whether the produce of such sale shall be sufficient to answer the charges and expences or not, to be paid out of his majesty's share of the produce arising by the sale of seizures which shall have been or may be seized and condemned; and every officer who shall have made any such seizure shall be allowed his share of the net produce arising by the sale or other disposal thereof in full, without deducting therefrom the said charges and expences, or such part thereof as such officer was by law entitled unto before the making of this act; the residue to be applied by the commissioners to such purposes as his majesty's share of the produce of such shares is applicable unto.

33 Geo. 3. c. 70.  
f. 5. Commissioners of the customs are to direct officers to make proportionable allowances out of duties for goods damaged on the voyage.

34 Geo. 3. c. 50.  
f. 5. Persons obstructing officers of the navy in the due execution of their office, or aiding or assisting in such obstructions, shall be committed; and being duly convicted, shall be sentenced to hard labour on the river Thames, or other navigable river in Great Britain, for any term not exceeding three years.

36 Geo. 3. c. 40.  
f. 3. The statute of 8 Geo. 1. c. 18. to prevent the clandestine running of goods, &c. (except the clauses obliging all ships to perform quarantine).

Act. 12. So much of the 5 Geo. 1. c. 11. against the clandestine running of uncustomed goods, as

was continued by subsequent acts to September 29, 1795; and so much of 19 Geo. 2. c. 34. as relates to farther punishment of persons going armed or disguised, &c. and for relief of officers in informations upon seizures, are by the sections of this act cited in the margin, further continued to September 29, 1802.

No goods imported, except precious stones, bullion, and fresh fish British taken, shall be unshipped without the presence of the proper officers.

An additional duty of 5l. *per cent.* on the amount of the duties of customs on goods imported, and 10l. *per cent.* on the duties upon brimstone, hemp, iron in bars, or unwrought, and staves imported from any part of Europe; but these duties are not to be chargeable on warehoused prize goods until delivered out for home consumption.

Certain additional duties are to be paid from January 5, 1798, on importation of certain goods from the American states in American vessels.

By the 37 Geo. 3. c. 110. f. 2. an additional duty of 5l. *per cent.* is to be paid on the amount of the duties upon goods imported, exported, or carried coastwise; and by the 38 Geo. 3. the commissioners of the customs may return duties on goods, accidentally lost or destroyed before landing.

The following is an abstract of the additional duties of customs for protection of convoys,

38 Geo. 3. c. 76.  
f. 15.

From and after the 5th day of July 1798, there shall be paid to his majesty certain additional duties upon any goods, wares, and merchandizes imported and exported.

This section also refers to tables of the articles exported and imported, and the duties to be paid.

Sect. 16.

Where by the table A referred to in that section the duties are charged according to the value, it shall be taken as at the port of importation, deducting duties, and ascertained according to 27 Geo. 3. c. 13. and if not truly valued, the goods may be detained by the officers of the customs, who shall proceed in every respect in the manner prescribed in such case by the above act.

If real value cannot be ascertained without the goods being landed and examined, a deposit may be made to secure the new duties, and when ascertained the duties to be paid before delivery of the goods; and if value cannot be ascertained without being sold, they may be delivered for that purpose, on payment of the former duties, &c.

Sect. 17.

If the real value cannot be ascertained without the goods being landed and examined, the importer, proprietor, or agent, upon making oath before the collector or comptroller of the customs at the port of importation, that he is not enabled to ascertain the true and real value thereof, shall be at liberty to make a deposit sufficient to secure the new and additional duties hereby imposed, and the value of such goods, wares, or merchandizes, shall, in such case, as soon as may be, after the examination thereof, be ascertained by the declaration of such importer, proprietor, agent, or factor, in the manner, and subject to the rules, regulations, forfeitures, and penalties, herein-before directed; and the said new and additional duties shall be paid (except as herein-after provided) before the delivery of such goods, wares, and merchandize: and if the real value of such goods, wares, and merchandize imported, cannot, after examination thereof, be ascertained, so as to enable the importer or proprietor thereof, or

his known agent or factor, to make an entry according to the true and real value thereof, without being publicly sold, they may be delivered for that purpose, on payment of the former duties. Provided always, that nothing in this act shall extend, or be construed to extend, to charge with the new and additional duties the following articles, viz. bullion imported or exported, fresh fish British taken, and imported in British built ships, or vessels, owned, navigated, and registered according to law, turbot and lobsters, however taken or imported, corn or grain imported, sugar imported from any part of the United States of America, and warehoused sugars having been so imported and warehoused exported from such warehouse, cinnamon, cloves, mace, or nutmegs, furs and skins of the produce of and imported from any British colony or plantation in America, Spanish wool imported, tobacco, coffee, cocoa-nuts, or rice, imported and warehoused until the same shall be taken out of such warehouse for the purpose of being used or consumed in this kingdom.

38 Geo. 3. c. 76.

Duties not to extend to certain articles, nor to be put upon goods warehoused until the same shall have been taken out for consumption.

Sect. 17.

The three following sections, viz. the eighteenth, nineteenth, and twentieth, relate to goods imported by the East India Company.

Where by the table C, by this act referred to, the duties on exportation of goods are charged according to the value, it shall be taken as at the port of exportation, deducting the duties; and if not truly valued, they may be detained by the officers of the customs, &c.

Value of goods shall be taken at the port of exportation.

Sect. 22.

If, on entry of such goods for exportation, the exporter cannot ascertain the true value, they may be exported, on giving bond in treble the amount of the supposed value to pay the duties in three months.

Sect. 23.



What goods are not chargeable with new duties.

38 Geo. 3. c. 76. s. 24.

New duties not chargeable on goods of the production of Ireland, imported from thence into this kingdom, nor goods exported to Ireland, nor to goods imported from or exported to Hudson's Bay by the Company, nor to any goods, wares, or merchandize, of the growth, produce, or manufacture of the islands of Guernsey, Jersey, Alderney, Sark, or Man, upon the direct importation of such goods into Great Britain, if such goods were allowed to be imported before the present act.

Sect. 25.

This act not to extend to goods exported to the Isle of Man by authority of the commissioners of customs, nor to exported cotton manufacture of Great Britain.

Not to extend to certain articles exported to Newfoundland. Sect. 26.

Nothing in this act shall extend to charge with the new and additional customs the following articles exported from this kingdom to Newfoundland, viz. any sort of craft, food, victuals, cloathing, or other goods fit and necessary for the British fishery established in the said island, or for the use and support of the mariners in carrying on the said fishery.

Importer of the produce of Newfoundland may give bond in treble the supposed duty.

Importers of the produce of the Newfoundland fishery, directly from Newfoundland, may give bond in treble the supposed duty, that it shall be exported, or that the additional duties shall be paid.

Sect. 27.

In all cases where the new and additional duties of customs shall be paid down in ready money at the time of making the entry, a discount of two and one half *per cent.* shall be allowed and deducted.

Sect. 28.

Persons making a false declaration of the value of goods shipped for exportation to forfeit the true value.

Fees not to be taken for any additional entry on account of new duties. 38 Geo. 3. c. 76. l. 29.

The bonds to be taken in pursuance of this act not to be chargeable with stamp duties. Sect. 30.

The commissioners of the customs may order entry to be amended of goods detained on account of not being duly valued, upon such terms as they think fit ; and if accepted, the proprietor shall not be entitled to damage. Sect. 31.

The thirty-second, thirty-third, and thirty-fourth sections relate to certain duties of TONNAGE, which will be found under that head.

By the thirty fifth and thirty-sixth sections, the duties are to be under the management of the commissioners of the customs ; and the additional duties are to be managed as former duties ; and the goods are to be subject to the rules to which goods liable to custom duties are subject.

The two following sections, viz. the thirty-sixth and thirty-seventh, relate to the payment of the duties into the exchequer, and the application of the duties.

Actions to be commenced within three calendar months next after the fact committed. Limitations of action. Sect. 39.

Until the signing the preliminary articles of peace \*. Duration of this act. Sect. 40.

\* For further particulars, see SMUGGLERS, SMUGGLING, RUN GOODS, &c.

## Deserters.

THE statutes relative to this head are more ancient than copious ; and by the sixteenth article of war, which subjects deserters to be tried and punished by a court martial, they are now but seldom put in force.

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By an act of 2 Rich. 2. stat. 1. c. 4. intituled,

“ The Penalty of Mariners retained to serve  
“ the King on the Sea, which do depart with-  
“ out Licence,”

It is thus enacted,

“ Because that divers mariners after that they  
“ be arrested and detained for the king’s ser-  
“ vice upon the sea in defence of the realm,  
“ and thereof have received their wages per-  
“ taining, do flee out of the said service without  
“ licence of the admirals, or of their lieute-  
“ nants, to the great damage of the king and  
“ his realm, and hinderance of the said voy-  
“ ages ;”

Penalty upon  
mariners de-  
parting without  
licence.

2 Rich. 2. st. 1.  
c. 4.

It is ordained and stablished, that all those mariners which from henceforth shall do in such manner, and that truly found and proved before the admiral or his lieutenant, shall be holden to restore to our sovereign lord the king, double of what they have taken for their wages, and nevertheless shall have one year’s imprisonment, without being delivered by mainprize, bail, or by other way.—And the king will and commandeth all sheriffs, mayors, and bailiffs, at the certification of the said admirals

or their lieutenants, by their letters thereof to be, testifying the said proof incontinent, without waiting any other command of the king to take and attach all fugitive mariners, &c. and put them in prison, there to remain in good and sure keeping till they have *made gree* to the king as afore is said, and thereof have the special command of the king for their deliverance. And like punishment shall be made of serjeants of arms, masters of ships, and all others that shall be attainted by enquiry before the admiral or his lieutenant aforesaid, that they have anything taken of the said mariners for to suffer them to go at large out of the said service after that they have been arrested for the same service.

2 Rich. 2. ft. 1.  
c. 4.

By an act, 18 Hen. 6. c. 19. intituled,  
“ The Penalty of a Soldier not going with or  
“ departing from his Captain without Li-  
“ cence,”

It is made felony for a soldier to leave his captain without leave ; and justices of the peace have power to enquire of and determine the same ; and the chief officers of ports, &c. shall arrest soldiers returning from beyond sea, and detain them until the cause of their return be tried,

18 Hen. 6. c. 19.

By an act, intituled,  
“ An Act touching politic Constitutions for  
“ the Maintenance of the Navy,”

Doubts having been entertained whether the preceding act, 18 Hen. 6. c. 19. did or ought to extend unto mariners and gunners serving on the seas, it was enacted,

That the said estatute made in the 18th year of Henry VI. in all pains, forfeitures, and other

18 Hen. 6. c. 19  
extended to  
gunners and  
mariners.

things, did, doth, and hereafter shall extend, as well to all and every mariner and gunner having taken, or shall hereafter take, *preft* or wages to serve the queen's majesty, her heirs or successors, to all intents and purposes as the same did or doth unto any foldier.

Persons desert-  
ing, or receiving  
deserters, &c. to  
suffer death, &c.  
22 Geo. 2. c. 33.

By the sixteenth article of war, persons deserting, or receiving deserters, or enticing persons to desert, "shall suffer death, or such other punishment as the circumstances of the offence shall deserve, and a court martial shall think fit; and if any commanding officer of any of his majesty's ships or vessels of war shall receive or entertain a deserter from any other of his majesty's ships or vessels after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship to which he belongs; or, if the ships are at a considerable distance from each other, to the secretary of the admiralty, or to the commander in chief; every person so offending, and being convicted thereof by the sentence of the court martial, shall be cashiered."

Deserters, &c.  
on shore.  
22 Geo. 2.

By the thirty-fourth article, persons in actual service and in full pay, who shall be guilty of mutiny and desertion in any part of his majesty's dominions on shore, when in actual service relative to the fleet, shall be liable to be tried by a court martial, and suffer the like punishment for every such offence as if the same had been committed at sea.

The numerous abuses arising from the desertion of seamen in the West India Trade, induced the legislature to pass an act, in the 37th year of his present majesty, intituled,

“ An Act for preventing the Desertion of  
 “ Seamen from British Merchant Ships trading  
 “ to his Majesty’s Colonies and Plantations in  
 “ the West Indies.” 37 Geo. 3.

From the first of July 1797, every seamen, mariner, and other person, who shall desert at any time during the voyage, either out or home, from any British merchant ship trading to or from the West India Colonies or Plantations, shall, over and above all punishments, penalties, and forfeitures, to which he is now by law subject, forfeit all the wages he may have agreed for with, or be entitled to, during the voyage, from the master or owner of the ship on board of which he shall enter, immediately after such desertion. Seamen deserting forfeit their wages. Sect. 1.

Every master or commander of any British merchant ship, who shall hire or engage to serve on board his ship or vessel any seaman, &c. who shall, to the knowledge of such master, have deserted from any other ship or vessel, shall forfeit and pay 100l. \* Masters hiring seamen who have deserted.

\* For further particulars relative to forfeitures, &c. of seamen deserting, see GREENWICH HOSPITAL, SEAMEN, NAVY AND MERCHANT SERVICE, PRIZES, &c.

## Fish, Fisheries, and Fishermen.

GREENLAND AND DAVIS'S  
STREIGHTS,  
SOUTHERN WHALE,  
NEWFOUNDLAND,

|         |   |   |
|---------|---|---|
| BRITISH | { | HERRING,<br>MACKEREL,<br>OYSTER,<br>THAMES. |
|---------|---|---|

**T**HIS most important division, whether considered with reference to political economy, or as conducive to the perfection of the maritime state, has at various times occupied that attention of the Legislature which an object of so much national concern so justly demanded. Fisheries have been most appropriately termed by Dr. Franklin, the agriculture of the ocean ; nor, with respect to population, which is allowed by all writers to constitute the true wealth of a state, are they less productive than the cultivation of the soil. The fisheries of America, are considered by the writer above quoted, as one of her highest advantages ; the fertile source of population and of wealth ; and it was to her fisheries, before her government had been disorganized, that Holland was indebted for her commercial and political consequence. Independently considered as a source of wealth, as a nursery for her seamen, and a ready means of manning a formidable navy, her fisheries are of the highest importance to Great Britain. Accordingly, fish have not only been allowed to be imported duty free, but considerable bounties have, from time to time, been granted upon their exportation. “ These bounties,” says the writer on “ The Wealth of Nations,” “ although in some degree expensive to the State, yet, when we consider the maritime strength acquired by such encouragement, are nevertheless judiciously advanced ;” and if the increase of population, generally considered, constitutes the wealth of the nation, how much more may the experience and services of that useful

class of the community, who form our best and surest defence, to say nothing of the emoluments resulting to the merchant and manufacturer, be considered as cheaply purchased by the sums expended in bounties.

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The encouragement of fisheries seems, at a very remote period, to have been an object of national concern ; for

So early as the reign of Edward VI. we find Edward VI. the legislature restraining admirals, or any of their officers or ministers, from taking any fee or reward for licences to go to Iceland, Newfoundland, or beyond sea, to fish, upon pain of forfeiture for the first offence treble the value of 2 & 3 Edw. 6. the reward, and for the second offence to lose their offices. c. 6.

The subsequent acts extend to all his majesty's subjects, the enjoyment of foreign fishing, and allow bounties under certain judicious restrictions ; such as, that the fish imported shall be in British bottoms ; that a certain proportion of the seamen shall be British subjects, &c. : they also prescribe the mode in which these bounties are to be obtained. These bounties have been from time to time continued ; and by an act combining policy with liberality, it has been further enacted, that foreigners engaged for a certain time in these fisheries shall be naturalized.

Such is the substance of the subsequent acts, as far as they relate to the several fisheries of Greenland and Davis's Streights, Southern Whale Fishery, and the Thames Fishery, &c. —By the acts relative to the latter, the superintendence of the River is vested in the corporation of the city of London ; and every person



who shall use the Thames fishery shall have some mark of distinction placed upon the boat, both for the purposes of better detection in violating the provisions of the act, and, as the preamble states, "that her majesty may be better enabled to know what number of able-bodied seamen the Fishmongers Company can furnish for public service."

### FISHERIES of GREENLAND and DAVIS'S STREIGHTS.

#### Bounties.

25 Car. 2. c. 7.  
§. 1.

ALL persons may trade to Greenland, and import oil, blubber, and fins, duty free, when brought in British ships; but ships belonging to any of his majesty's colonies or plantations, importing such oil, blubber, &c. to pay 6s. for every ton; and for every ton of whale fins taken and imported in such ships 50s.; and for every ton of oil taken by such ships, but imported in English ships, 3s.; and for every ton of whale fins so taken and imported 25s.; oil and blubber of foreign fishing 9l. per ton; and for every ton of whale fins of foreign fishing 18l. \*: one moiety of the harpooners and mariners may be English †.

#### Sec. 2.

No ships to enjoy any benefit or privilege of this act, unless they sail from England, Wales, or the town of Berwick upon Tweed, and were victualled for the voyage in some of those places, to be attested by the collectors of such ports.

\* But see the following acts, 26th, 29th, 32d, and 38th George III. whereby these bounties have been altered.

By 27 Geo 3 c. 28. Fish caught by any of his majesty's European subjects may be imported without paying any duty.

† One third English mariners is sufficient by 4 & 5 W. & M. c. 17. §. 27.

Whale fins taken from whales caught by British subjects in the River St. Laurence, or on the coasts of the British colonies, may be imported in British ships duly navigated, paying no other duty than the old subsidy.

25 Car. 2. c. 7.  
4 Geo. 3. c. 29.  
f. 1 & 2.

Ships to Greenland may be navigated with only one-third English, provided they proceed on their voyage from England, &c. and are victualled there for the voyage.

4 & 5 W. & M.  
c. 17. f. 27, 28.

Any subjects of her majesty may trade to Greenland.

1 Anne, ft. 1.  
c. 16.

No harpooner or foreigner permitted by the act for carrying on the fisheries shall be impressed.

1 Anne, ft. 1.  
c. 16. l. 2.  
13 Geo. 2. c. 28.  
f. 5.

Whale fins, oil, or blubber, seal skins, or any other produce of seals or other fish, caught in the Greenland Seas and Davis's Streights, imported by British subjects, to be duty free during the term of nine years.

Whale fins, &c.  
to be imported  
duty free.  
5 Geo. 2. c. 28.

British ships of the burthen of two hundred tons and upwards, intending to proceed on the whale fishery to Greenland or Davis's Streights, shall, before they proceed on such voyage, or be entitled to any benefit by this act, be visited by the proper officer of the customs of the port from which they sail, who is to examine the ship; and take an account of her tonnage, which he is to certify to the commissioners of the customs; and if it appears by the certificate that she has a sufficient number of men, provisions, boats, fishing lines, and instruments to be used in such fishery; that she is strongly built, and a proper ship for the voyage; and has a sufficient number of harpooners, steerfmen, and line managers (specifying their names in the certificate), with an oath written at the

Officer of the  
customs to re-  
port the state of  
the ship, and  
the commissione-  
ers of the cus-  
toms to give full  
licence and au-  
thority to pro-  
ceed on the  
voyage.  
6 Geo. 2. c. 33.

6 Geo. 2. c. 33. foot of the certificate, which is to be made before the collector and comptroller of such port, by the owners and master, that the ship is to proceed as soon as licence shall be granted, to Greenland or Davis's Streights, and no other design but the whale fishery, and to import the whale fins and blubber into the kingdom of Great Britain (naming the port to which they intend to return), and the master, after having such certificate and making such oath, do also become bound, with two sufficient securities, in the penalty of treble the bounty intended by this act; then any three or more of the commissioners of the customs in England or Scotland, on receiving such certificates and oaths, are to give the master and owners full licence and authority to proceed on the voyage.

Number of men and tackle to be kept on board by ships engaged in this fishery. Sect. 2.

Every ship of the burthen of two hundred tons designed for this fishery, shall be obliged to have on board *forty fishing lines of one hundred and twenty fathoms each, forty harpoon irons, four boats with seven men, including a harpooner, a steersman, and a line manager to each boat* (making in the whole *twenty-eight men*, besides the *master and surgeon*), with *six months provisions* at the least, corresponding to the number of men; and every ship of larger burthen an increase of *six men, one boat, ten lines, and ten harpoon irons, more*, for every *fifty tons* above two hundred, together with provisions in proportion.

Officers of the customs to certify that ships employed in the fisheries have conformed to the act, to be entitled to the bounties. 6 Geo. 2. c. 33. s. 3.—By Geo. 3. c. 41. s. 3 the bounty of 30s. per ton shall be extended to the master and owners engaged in such ships.

The ship on her return to be visited by the officers of the customs, who are to take an account of the names of the master, mate, and other persons on board, and to certify the same; and the master and mate shall make oath on the

back of, or annexed to the licence, before the collector and comptroller of the customs, that they did in pursuance thereof proceed (mentioning the day of departure) in a voyage directly to the places aforesaid, and have not since been on any other voyage (mentioning the time of their stay in those seas); and that all the whale fins, oil, and blubber, imported in such ship, were really caught by the crew of such ship only; which certificate, licence, and oath, shall be transmittted by the collector and comptroller of such port to the commissioners for that port from whence the ship departed; who being satisfied with the faithful dealings of the master, &c. shall, on demand, cause payment to be made, by the receiver-general of the customs, of 20s. *per ton*, according to the measurement of the ship.—Continued by various subsequent acts.

No harpooner, line manager, boat steerer, or seaman in the Greenland fishery, to be pressed; and they may sail in the coal trade at other times of the year, giving security to return to the fishery.

A second bounty, over and above the former of 20s. a ton, extended.

Vessels built in America of two hundred tons burthen and upwards, and not above two years old, may be licensed for the whale fishery, and entitled to the bounties.

Foreign Protestants serving three years in the whale fishery, and taking and subscribing the prescribed oath, shall be naturalized.

The bounty of 40s. per ton to be paid out of any other monies, if the old subsidy be deficient.

23 Geo. 2. c. 20.  
L. 5-

Every ship shall have an apprentice bound for three years at least for every fifty tons burthen, who shall be reckoned as part of the complement.

Secl. 6.

No greater bounty to be paid than for four hundred tons, although the ship should measure more.

Secl. 7.

Ships above four hundred tons to be equipped and manned as ships of four hundred tons.

Secl. 8.

Ships under two hundred tons, conforming to the regulations of ships of two hundred tons, to be paid the bounty of 40s. per ton.

Secl. 10.

The commissioners of the customs to report to parliament the number of ships employed in the fisheries.

Secl. 12.

Owners of ships employed in the fisheries may insure the bounty.

Sections of an act, intituled,

“ An Act for the further Support and Encouragement of the Fisheries carried on in the Greenland Seas.”

25 Geo 3. c. 41.

The preamble to this act recites, that these fisheries “ had been raised, by the bounties and “ encouragements already given, to a very “ flourishing condition ; that these bounties “ were about to cease and expire ; that it “ would be proper further to encourage and “ support the said fisheries, by granting to the “ ships employed therein such other bounties “ as the state of the public revenue might justify, and the nature and condition of the said “ fisheries appeared then to require.”

For five years from December 25, 1786, British ships going on the whale fishery must be visited by an officer of the customs, who shall take an account of the tonnage thereof by admeasurement, and certify his visitation, and examination and admeasurement, to the commissioners of the customs; and if it shall appear by that certificate that the ship is legally qualified for the voyage, by being navigated by a master and three-fourths British subjects, and hath on board such a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as hereinafter mentioned: and if it further appears by the oath of one or more owners, and of the master or chief officer of such ship or vessel, written at the foot of such certificate, and made before the principal officer of the customs of such port, or any two of them, whereof the collector to be one, that it is the intention to proceed forthwith thereon, and to import whale fins, &c. into Great Britain, the commissioners, on security being given, may grant licence to the ship.

For five years from December 25, 1786, British ships going on the whale fishery to be visited by an officer of the customs, who shall certify the admeasurement.

26 Geo. 3 c. 41.

Every ship of the burthen of two hundred tons designed for this fishery, shall have on board forty fishing lines of one hundred and twenty fathom each, forty harpoon irons, four boats with seven men at the least (including a harpooner, a steerfman, and a line manager) to each boat, making in the whole twenty-eight men, besides the master and surgeon, with six months provision at the least for such number of men; and every ship of larger burthen, an increase of six men, one boat, ten such lines, and ten harpoon irons more, for every fifty tons above the said two hundred tons, together with provisions in proportion; and every ship which

What number of men, fishing lines, &c. must be on board.

Señ. 2.

26 Geo. 3. c. 47. shall be so employed in the said fishery, shall have on board apprentices indentured for the space of three years at the least, who shall not exceed the age of eighteen years, nor be under fourteen years of age, at the time they shall be so indentured, in the proportion of one apprentice at the least for every thirty-five tons burthen, and one fresh or green man for every fifty tons burthen; which apprentices and fresh and green men shall be accounted in the number of men required to be on board such ship.

Officers of the customs, on return of the ship to Great Britain, shall make a report of her condition, &c. and oath shall be made that there has been no deviation from the conditions on which the certificate was granted; which documents shall be transmitted to the commissioners, who shall order a bounty of 20s. per ton. Sect. 3.

On the return of such ship to Great Britain, the proper officer of the customs shall immediately repair on board, and certify the condition of such ship and her lading, and certify the same, with his observations thereon, and also the real tonnage of the said ship; and take an account or schedule of the names of the master, mate, and other persons on board, and certify the same; and oath being made before the principal officer of the customs, or any two of them, whereof the collector to be one, by the master and mate, that they did, pursuant to the licence, proceed on the voyage directly, and have not deviated from the conditions upon which the certificate was granted, and that all the whale fins, oil, and blubber, imported, were really and *bona fide* caught in the said seas by the crew of such ship or vessel only, or with the assistance of the crew of some other British built ship licensed for the same voyage, pursuant to the directions of the act; which oath shall be indorsed on or annexed to the licence: and the said schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the respective commissioners where such ships shall arrive; and such

commissioners being fully satisfied of the faithful dealings of the master and other persons employed, shall, on demand, cause payment to be made to the master or owners, or his or their assigns, by the receiver-general of that port where such ships shall arrive, a bounty or premium of 30s. per ton, according to the admeasurement of such ship duly certified as aforesaid. 26 Geo. 3. c. 41.

No person shall be entitled to receive the bounty for any ship which may proceed on the fishery from any part of Great Britain, &c. after the twenty fifth of December 1786, unless such ship shall sail from the port where she cleared on or before the tenth of April in each year, and continue in the Greenland Seas, Davis's Streights, or seas adjacent, endeavouring to catch whales, and not depart thence, before the tenth of August next following, unless such ship, if three hundred tons, be laden with thirty ton of oil, or blubber in proportion, and one ton and a half of whale fins, and so on in like proportion to the tonnage for which such ship is entitled to bounty, or be forced by accident to depart those seas; which shall be verified on oath by the master and mate on her return, before two principal officers of the customs (the collector being one), who shall transmit the same and other documents to the commissioners of the customs for that part of Great Britain where such ship shall arrive.

No person shall be entitled to bounty, unless the ship sails from the port of survey before the tenth of August yearly, and continues fishing till the tenth of August following, unless laden with the quantity of oil, &c. therein specified, or forced by unavoidable accident to depart sooner; which shall be verified upon oath, and transmitted, with the other documents, to the commissioners of the customs. Sect. 4.

Any ship or vessel that shall not sail from the port where she cleared, on or before the tenth of April in any year, should it be made appear to the satisfaction of the commissioners of the customs, that such ship was fitted out and ready

Ships prevented from sailing by unavoidable impediment to be entitled to the bounties. Sect. 5.

\* But see 29 Geo. 3. c. 53.



26 Geo. 3. c. 41. for sailing before the time above-mentioned, but was prevented by unavoidable impediment, but shall have sailed before the twenty-fifth of April; it shall be lawful for the commissioners aforesaid to pay such bounty as if such ship had sailed prior to the tenth of April.

Commissioners of the customs in England or Scotland to pay the bounties.  
Sect. 6.

The commissioners of customs in England and Scotland shall order the receivers-general of the customs, in case the money in their hands shall not be sufficient, during the continuance of this act, to satisfy the bounty of 30s. per ton out of any monies in their hands for duties, revenues, &c.

Ships of 150 tons burthen entitled to the bounty.  
Sect. 7.

Every owner of any ship of one hundred and fifty tons employed in the fishery, who has conformed to the rules and forms prescribed in proportion to their tonnage, not less, however, than one hundred and fifty tons, shall be entitled to the bounty agreeable to the ship's measurement.

No ship shall be entitled to a larger bounty than for 300 tons.—Sect. 8.  
Sect. 10.

No ship above the burthen of four hundred tons shall receive a larger bounty than a ship of four hundred.

No bounty shall be allowed to any ship where a log-book has not been properly kept.

Master shall produce ship's log-book to such commanding officer of the navy as he may fall in with, who shall subscribe the same.  
Sect. 11.

In case any ship shall fall in with any of his majesty's ships of war, the master shall produce to the commanding officer of such ship of war the ship's log-book, and such commanding officer shall make a memorandum on the day produced to him, and sign his name, and also make an entry in the log-book of the said ship or vessel of war, of the name and description of the ship on board which the log-book was so produced to and signed by him; and in case such ship shall put into a foreign port where

there is a British consul or officer, the master shall produce such log-book, to such British consul or officer, who shall make a memorandum, and subscribe as before. 26 Geo. 3. c. 42.

The owners may insure the bounty in case of the loss of the ship. Sect. 13.

Whale fins, oil, or blubber of whales, seal oil, or seal skins, or any other produce of seals or fish caught in the seas of Greenland or Davis's Straights, or parts adjacent, may be imported duty free. Sect. 14.

No articles to be exported duty free, unless the master or mate of the ship importing the same shall first make oath, before the collector and another officer of the customs in the port of importation, that all the whale fins, oil, &c. imported are *bona fide* the produce of whales caught and taken in the Greenland Seas, or Davis's Straights, or seas adjacent, by the crews of such ships, owned, fitted out, and navigated as aforesaid. Oath to be made, that all the articles imported are the produce of whales caught in the places prescribed by this act. Sect. 15.

Any person or persons granting a false certificate for any of the purposes directed by this act, shall forfeit the sum of 500l. ; and if any person shall counterfeit, erase, or alter any certificate directed by this act, or knowingly make use of any false certificate, such persons shall forfeit 500l. and the certificates be of no effect. Penalty on altering certificates. Sect. 16.

No harpooner, line manager, or boat-steerer, belonging to any ship in this trade, shall be impressed from this service, but may, when unemployed therein, sail in the collier trade, on giving security to return the next season. Common seamen are protected till the end of the season after entry. No harpooner, &c. shall be impressed. Sect. 17.

Limits of the  
Greenland Seas  
and Davis's  
Streights.  
Sect. 18.

The Greenland Seas, Davis's Streights, and seas adjacent, shall be deemed and extend to the latitude of fifty-nine degrees, thirty minutes north, and no farther.

Commissioners  
of the customs  
may report to  
parliament the  
number and o-  
ther particulars  
of vessels em-  
ployed in this  
fishery.  
Sect. 19.

The commissioners of the customs for England and Scotland, shall, at the beginning of every session of parliament, lay before both houses, the number of ships or vessels employed in the said fishery, with their names and burthens, where fitted out, and at what port discharged; also what quantity of oil, or blubber, or whale fins, each ship shall have imported.

Application of  
penalties.  
Sect. 20.

One moiety of penalties and forfeitures shall be to the use of his majesty, and the other to such officer or officers of the customs as shall prosecute for the same.

General issue.  
Sect. 21.

Should any action be commenced for anything done in pursuance of this act, the defendant may plead the general issue, and give this act and special matter in evidence; and if the plaintiff shall be nonsuited, the defendant or defendants shall recover treble costs.

The 29 Geo. 3. c. 52. s. 2. after reciting the 26 Geo. 3. c. 41. and that "it is thought expedient that the owners of ships employed in the Greenland fishery, should be allowed to receive the bounty granted by that act, although such ships depart from those seas before the tenth day of August then following, and although they be not laden with the quantity of whale fins, and of oil or Blubber in proportion thereto, required by the said act, in case it shall appear by the log-books of such ships that they have not departed from those seas till the end of sixteen weeks from the day they respectively sailed

“ from the ports where they were surveyed and 25 Geo. 3. c. 52.  
 “ cleared out,” enacts as follows :

After January 1, 1790, ships to be entitled to the bounties granted by the 26 Geo. 3. that shall sail by April 10 yearly, though they leave the Greenland Seas or Davis's Streights before August 10 following, and shall not be laden agreeable to the regulations of the above-recited act, in case it shall appear by the log-book of such ship, that she continued with her crew in the said seas, diligently endeavouring to catch whales, &c. and did not depart from thence till the expiration of sixteen weeks from the time of her sailing from the port where she shall have been surveyed and cleared out, provided such ship shall not have touched at any other port during her voyage, and shall have complied with all the other regulations, conditions, and restrictions, imposed by the said act.

After January 1, 1790, ships to be entitled to bounties, although leaving the Greenland Seas before August 10 following, upon the conditions herein specified.  
 Sect. 2.

Fish caught by any vessels built in his majesty's dominions, and owned by his majesty's European subjects, may be imported without paying any duty. 27 Geo. 3. c. 13. s. 32.

Any master permitting an apprentice indentured pursuant to the preceding acts to quit his service before the expiration of his term to forfeit 50*l*. 29 Geo. 3. c. 53. s. 5.

Unless such apprentice be discharged before a magistrate, or turned over to another master employed in the said fisheries. Sect. 6.

No bounty or premium to be paid under the above acts, unless the names of the ships on board which apprentices are bound to serve be inserted in the indentures. Sect. 7.

32 Geo. 3. c. 22.  
f. 7, 8.

Apprentices  
time expiring  
before expira-  
tion of the voy-  
age, to be con-  
sidered as ap-  
prentices during  
the whole of the  
voyage.

In case the time for which any apprentice shall have been indentured to serve on board any ship or vessel employed in the said fisheries, shall expire during the voyage of such ship or vessel, such apprentice shall be accounted and considered, to all intents and purposes, as an apprentice for the whole voyage, and shall, on the ships or vessels return from the said fisheries, or either of them, be mustered accordingly. But no apprentice shall be deemed a legal apprentice, except apprentices who have become such previous to the passing of this act, unless he shall be a subject of his majesty.

Whale fins, &c.  
imported duty  
free.

Secl. 4.

Fins, oil, or blubber, seal oil or seal skins, or any other produce of seals, or other fish or creatures, taken or caught in any part of the ocean, by British subjects, usually residing in Great Britain or Ireland, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, in ships or vessels built in either of the said kingdoms or islands, owned, registered, and navigated according to law, may be imported duty free; upon proof being made that the said articles were actually caught by the crew of the vessel in which they are imported, by oath of the master of such vessel, and provided that a log-book shall be constantly kept on board such ship, as required by 26 Geo. 3. c. 41. f. 10.

Secl. 6.

No boat used as a whale boat, belonging to any ship or vessel employed in the said fishery, or in the fishery carried on in the seas to the southward of Greenland and Davis's Streights, shall be liable to seizure on account of her built, dimensions, or construction, provided, on the return of such ship or vessel from the fishe-

ries at the end of every season, such boats shall be laid up by the owner or owners thereof, in such places as shall be approved of by the principal officers of the customs. 32 Geo. 3. c. 22.

From the 5th of March 1794, and during the present hostilities with France, vessels that are not provided with their complement of men at the port from whence they clear out, may proceed to any of the ports in the Firth of Clyde, or in Lough Ryan, or to Lerwick in the Isle of Shetland, or to Kirkwall in the Orkneys, and complete their number there, provided the number wanted do not exceed three common men for every fifty tons burthen. Upon the return, those men may be set on shore where they were taken on board; and upon producing a certificate thereof from the collector and comptroller of the customs, and the master or mate making oath thereof, such ships will be deemed to have had their full complements from their clearing port. 34 Geo. 3. c. 22. Ships not furnished with their complement of men, may complete their number in the Firth of Clyde, &c.

So much of the 26 Geo. 3. c. 41. and 29 Geo. 3. as relates to the above fisheries, by an act passed on the twelfth of July 1799, is continued to the twenty-fifth of December 1800. 39 Geo. 3. c. 121.

## SOUTHERN WHALE FISHERY.

UPON the Restoration, when the Nation began to recover from the Republican frenzy and fanaticism by which it had been depressed, the Parliament directed its attention to those great objects of national economy in which other States had made no small progress, and from which they derived no small degree of emolument. The product of the Whale Fisheries was observed to be a very profitable and considerable source of wealth to neighbouring nations, by giving employment to great numbers of seamen and shipping, who not only supplied themselves with the produce of the Whale Fisheries, but exported it into other countries, and particularly into this kingdom, where, to use the language of the statute, the trade was in a manner decayed and lost. By the industrious and vigilant attention of the Dutch to this important source of daily-accumulating wealth, they were enabled, by supplying other countries, to draw out considerable wealth, and thereby make those countries so supplied contribute to their commercial and national aggrandizement. The legislators of this country saw this with a jealous eye, and laudably exerted themselves to awaken the people to a true sense of the emoluments to be derived from cultivating those advantages which, from the situation of the country, were capable of so much improvement. Accordingly, persons hitherto deterred from embarking their property in this traffic were encouraged by bounties, premiums, exemptions from duty, &c. which have been amply repaid by the increase of shipping and wealth which these encouragements were so well calculated to secure. But not to the Whale Fisheries alone has the British legislature stretched out a protecting arm, the Fisheries upon our own coasts have been also promoted, protected, and encouraged; and although the detailing of the several comparatively minuter divisions, such as the Thames, Oyster, Herring, &c. may occupy perhaps a larger portion of this work than may appear appropriately distributive compared

with other heads, yet our desire to convey the most extensive information upon so important a subject, and to render this head as complete as possible, has induced us to assign a larger portion of space than was originally intended; and we trust in so doing we shall not be censured, at least by the numerous individuals connected with the Fisheries.

By an act, intituled,

“ An Act for further encouraging and regulating the Newfoundland, Greenland, and Southern Whale Fisheries.” 29 Geo. 3. c. 53.

The three first sections of this act recite the 26 Geo. 3. c. 41. and 28 Geo. 3. c. 20. which are now repealed by 35 and 38 Geo. 3. chap. 92. and 57. except as to vessels cleared out before November 1, 1795.

After January 1, 1790, any master permitting an apprentice to quit his service before the expiration of his term, shall forfeit 50l. unless such apprentice be legally discharged before a magistrate, or be turned over to another master in the said fishery; and no premium shall be allowed, unless the names of the ships on board which such apprentices are bound to serve, or to which they are to be turned over, be inserted in the indentures.

Penalty of 50l. upon masters permitting apprentices to quit their service before expiration of their indentures.  
Sect. 5, 6, 7.  
See also 35 Geo. 3. c. 92. s. 9, 10.

The several premiums hereafter mentioned shall be paid for three years from the first of January 1776 to *twenty-eight* ships or vessels employed in the said fishery, under the restrictions hereinafter expressed, that is to say, every such ship or vessel shall appear by her register to be British built, and shall be fitted and cleared out from some port of Great Britain or Ireland, or the island of Jersey, Guernsey, or Man, and shall be wholly owned by his majesty's subjects

35 Geo. 3. c. 92.  
Premiums to twenty-eight ships.

Ships to be British built, &c.  
Sect. 2.



35 Geo. 3 c. 92. usually residing in any of the dominions aforesaid, and navigated as hereinafter directed.

Premium to fifteen ships going to the southward of the equator.  
Sect. 3. \*

For fifteen of such ships so fitted and cleared out between the first of January and the thirty-first of December in each year, and which shall have sailed to the southward of the equator, and have there *bona fide* carried on the said fishery, and shall return before the first of December in the subsequent year to some port of Great Britain, there shall be paid the following premiums, viz. 300l. each to five of such ships, having the greatest quantity of oil or head matter, taken together, being not less in the whole than twenty tons in each ship, and being the produce of whales or other creatures living in the seas, taken and killed by the crews of every such ship respectively; 200l. each to five of such ships having the next greatest quantity of such oil or head matter, being not less in the whole than twenty tons; and 100l. each to five of such ships having the next greatest quantity of such oil or head-matter, being not less in the whole than twenty tons.

Premiums to five ships going to the southward of the thirty-sixth degree of south latitude.  
Sect. 4.

For five such other ships or vessels which shall be fitted and cleared out, and shall sail within the time mentioned, and proceed to the southward of the thirty-sixth degree of south latitude, and shall there *bona fide* carry on the said fishery, and shall not return till the expiration of fourteen calendar months from the day on which they cleared out, but before the thirty-first of December in the second year after their clearing out, to some port of Great Britain, there shall be paid 400l. to each of such ships as shall so sail and arrive within the times last-

\* See 38 Geo. 3. c. 57. where the number of ships to receive premiums is limited to *twenty-six*, and where the classes are altered.

mentioned with the greatest quantity of such oil and head-matter, not being less than twenty tons. 35 Geo. 3. c. 92.

For eight other of such ships or vessels which shall be fitted and cleared out, and shall sail within the times before-mentioned, and shall double Cape Horn, or pass through the Straights of Magellan into the South Seas, and carry on the said fishery, during the space of four months, to the westward of Cape Horn in those seas, and shall not return to some port of Great Britain till after sixteen calendar months from the day on which they cleared out, but before the thirty-first of December in the second year after their clearing out, there shall be paid the following premiums, viz. 600*l.* to any one of such last-mentioned ships which so sail and arrive within the times herein last-mentioned with the greatest quantity of such oil and head-matter taken together, being not less in the whole than thirty tons, and being the produce of any whale or whales, or other creatures living in the seas, and taken and killed by the crew of such ship or vessel in the said voyage, either outward or homeward; and 500*l.* each to seven of such ships last before mentioned, which shall sail and arrive within the times last before mentioned with the next greatest quantity of such oil and head-matter, taken together, being not less in the whole than thirty tons.

Premiums to eight ships fishing to the westward of Cape Horn.  
Sect. 5.

No ship shall be obliged to clear out specially for the respective latitudes specified in this act, but shall be entitled to the premiums hereby granted, on complying with all the other conditions.

Ships clearing out.  
Sect. 6.

How such ships  
are to be navi-  
gated.

35 Geo. 3. c. 92.  
£ 7.

Every such ship shall be navigated by persons, of whom the master and at least three fourths of the mariners are his majesty's subjects, usually residing in Great Britain, Ireland, Guernsey, Jersey, or Man; or if such ship shall clear out from any port of Great Britain, then such ship may be navigated by persons being protestants, and who, not being subjects of his majesty, have been heretofore employed in carrying on the said fishery, and who shall at the time of clearing out take the oath of fidelity and allegiance to his majesty, and also make oath before two or more principal officers of the customs, of which the collector is to be one, at the port where such ship shall so clear out, if it is their first voyage from any port of Great Britain, that they have already established, or that it is their intention, to establish themselves and their families in Great Britain, as inhabitants thereof, and subjects of his majesty; and if it shall be their second or any subsequent voyage, that they actually have established themselves and their families in Great Britain, and have taken the oath of fidelity and allegiance to his majesty as aforesaid.

Apprentices.  
Sect. 8, 9, 10.

No premium granted by this act shall be paid on account of any ship, employed in the aforesaid fisheries, unless such ship shall have on board an apprentice, indentured for three years at the least for every fifty tons burthen; every such apprentice not exceeding the age of eighteen years, nor being under fourteen years at the time he shall be so indentured, and having proceeded on and continued the whole of the voyage, both out and home, for which any such premium shall be claimed, unless such apprentice died or deserted in the course of the voy-

age ; which facts shall be verified by the oath of the master, the mate, and two of the mariners belonging to such ship, unless by reason of some unavoidable accident (proof whereof shall be made to the satisfaction of the officers of the customs herein-after mentioned) two mariners cannot be procured, and then by the oath of the master and mate, taken before two or more of the principal officers of the customs, at the port to which such ships shall return (of which the collector is to be one). 35 Geo. 3. c. 92.

If the master of any ship, or any other person whatever, to whom any apprentice shall be indentured pursuant to this act, shall permit such apprentice to quit his service, on any pretence whatever (except as herein-after is provided), before the expiration of the term for which he shall be bound, every such master, or other person, shall forfeit for each offence 50l. to be recovered by any action in any of his majesty's courts of record : provided nevertheless, that nothing herein contained shall extend to inflict the aforesaid penalty in any case where any apprentice shall be legally discharged before a magistrate, or shall be turned over from one person to another person, concerned in either of the aforesaid fisheries to serve the remainder of his time in such fisheries, pursuant to the directions of this act : provided also, that no bounty or premium shall be paid in any case, unless there be inserted in the indenture of each apprentice, indentured by virtue of this act, or turned over from one person to another, pursuant to this act, the name of the ship on board of which such apprentice is bound to serve.

Masters permitting apprentices to quit their service to forfeit 50l. Sect. 9.

No bounties to be paid, unless names of apprentices, &c. inserted in the indenture.

Apprentice's  
time expiring  
during a voy-  
age to be con-  
sidered as an  
apprentice for  
the whole of the  
voyage.  
35 Geo. 3. c. 92.  
f. 10.

Log-book to  
be kept.  
Sect. 12.

Produced to the  
collector of the  
customs, and  
verified upon  
oath.  
Sect. 12.

Log-book to be  
produced to the  
commanding of-  
ficer of any of  
his majesty's  
ships of war  
met with in the  
voyage.  
Sect. 12.

In case the time for which any such apprentice, shall have been indentured shall expire during the voyage, such apprentice shall be accounted and considered, to all intents and purposes, as an apprentice for the whole voyage, and shall on the ship's return be mustered accordingly.

No premium shall be paid on account of any ship, employed in the said fishery, unless a log-book shall have been regularly kept on board, in which log-book the various situations and occurrences during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distance therefrom, and the soundings; and also the time when, and the latitude, in which, any whale or other creature living in the sea, shall have been killed, taken, or caught by the crew; which log-book shall be delivered by the master or commander of such ship, at the time of his making a report, to the collector of the customs at any port in Great Britain where such ship shall arrive, on her return from the said fishery; and the said master or commander of such ship, together with the mate thereof, shall jointly and severally verify on oath the contents of such log-book before such collector.

In case any such ship, shall, in the course of her voyage, meet with any of his majesty's ships of war, the master or commander shall produce to the captain or other officer commanding such ships of war, the said log-book; and such captain or commanding officer shall make a memorandum in such log book of

the day on which it was so produced to him, and shall subscribe his name to such memorandum, and shall also make an entry in the log-book of the said ship of war of the name and description of the ship or vessel, on board of which the log-book so produced was kept; and in case such ship or vessel, on board of which the log-book is required to be kept as aforesaid, shall put into any foreign port where there shall be a British consul, or other chief British officer, the master or commander thereof shall produce such log-book to such British consul, or other British officer, who shall also make a memorandum therein of the day on which it was so produced to him, and shall, in like manner, subscribe the same.

The master, mate, and two of the mariners, belonging to every such ship, or the master and mate only, (if by some unavoidable accident, proof whereof shall be made to the satisfaction of the officers of the British customs herein-after mentioned, two mariners cannot be procured,) shall, upon the importation into Great Britain of any oil or head-matter, being taken on the fishery aforesaid, declare upon oath, before two or more of the principal officers of the customs at the ports of their arrival, of which the collector shall be one, from what port, and the time when, such ship cleared out, and that all such oil or head-matter so imported is the produce of one or more whale or whales, or other creatures living in the seas, actually and *bonâ fide* taken and killed by the crew of such ship only, at the times and in the latitudes respectively mentioned, and set down in the log-book.

Oath to be  
taken upon  
importation.  
Sect. 13.

Master not to  
take on board  
any fish, &c.  
but what are  
taken by his  
own crew.  
35 Geo. 3. c. 93.  
f. 14.

In case the master or commander of any ship or vessel whatever, fitted out as aforesaid, shall knowingly receive, or suffer to be received on board such ship, for the purpose of obtaining any one of the said premiums, any oil, head-matter, or any other produce whatever, not being the produce of a whale or whales, or other creatures living in the seas, really and *bonâ fide* caught and taken by the crew of such ship or vessel only, such master or commander shall forfeit 500l. one moiety of which shall be paid to the person discovering the same, provided such person shall give information of the offence within one month after such ship or vessel shall have been reported at the customs; and the master or commander of such ship or vessel is to make such report in the usual time, and in the manner in which all trading ships or vessels are reported, before the proper officers of the customs, the owner or owners of such ship shall, in case at the time such information shall be given, any sum of money be due from him or them to such master or commander, keep and detain such sum of money, and pay the same (towards discharging the same penalty) to the collector or other principal officer of the custom, at such ports; and if such owner or owners pay any sum or sums of money to, or shall otherwise account for, such sum or sums of money, with any master or commander of any ship or vessel, before the expiration of one month after the report shall have been so made at the custom-house as aforesaid, and such master shall be liable to the penalty aforesaid; such owner or owners shall make good such sums so paid or accounted for, and shall pay the same towards discharging the aforesaid penalty into the hands of the collector, or other

principal officer of the customs, in manner before directed. 35 Geo. 3. c. 92.

In case any whale or whales, or other creatures living in the seas, shall be caught in any part of the ocean to the northward of the equator, by the crew of any of the ships or vessels to which premiums are given, in manner before-mentioned, or to the northward of the thirty-sixth degree of south latitude, by the crew of any of the ships or vessels to which other premiums are also given; or in any part of the Atlantic Ocean, by the crew of the ships or vessels going round or doubling Cape Horn, either on the voyage out or return home; the oil or head-matter produced from such whale, &c. shall be taken and considered to be part of the quantity of the oil and head-matter required to be taken and imported as aforesaid, to entitle the owner of such ship to some one of the premiums herein-before granted.

If fish be caught in other places on the voyage. Sect. 15.

The commissioners of the customs in England and Scotland are to pay the premiums. Sect. 16.

No premiums shall be paid, unless claimed within two months, the claim to be made in writing, and the requisite of the law having been complied with in one month after making such claim.

When premiums to be claimed. Sect. 17.

Ships concerned in this fishery may sail and pass for that purpose to the eastward of the Cape of Good Hope, and to the westward of Cape Horn, or through the Streights of Magellan.

Where ships may fish. Sect. 18.

But no such ship sailing to the eastward of the Cape of Good Hope, shall pass to the northward of the equator, or make more than fifty-one degrees of east longitude from Lon-

If to the eastward of the Cape of Good Hope, or westward of Cape Horn. Sect. 19.



35 Geo. 3 c. 92. don ; and no such ship sailing or passing to the westward of Cape Horn, or through the Streights of Magellan, shall, either to the northward or southward of the equator, make more than one hundred and eighty degrees west longitude from London \*.

Ships to be licensed by the East India Company for every voyage.  
Sect. 20.

Every ship intending to sail to the eastward of the Cape of Good Hope, or to the westward of Cape Horn, or through the Streights of Magellan, shall be obliged to take a license for each respective voyage from the East India Company, specifying which of the said voyages such ships shall be licensed to perform ; and such license shall be valid only for the voyage therein expressed ; and the said Company shall not be required to grant any license to pass to the eastward of the Cape of Good Hope, to more than ten ships in any one year or season, or to grant any license to any ship or vessel to pass to the eastward of the Cape of Good Hope, unless the person applying for the same, shall deliver to the court of directors of the said company a manifest or certificate, under the hand of the collector or comptroller, or other chief officer of the customs, belonging to the port from whence such ship is intended to clear out, verified by the oath of the owner or master, specifying their names and places of abode, and also the species, quantity, quality, and value, of all goods then on board of such ship, and of all goods (if any) intended to be afterwards taken into or on board of the same after her departure outwards ; and also unless it shall, by such manifest or certificate, appear unto the said court of directors, that no goods

Manifest or certificate to be delivered to the collector, &c. verified by oath.  
Sect. 21.

\* See 38 Geo. 3. c. 57. f. 5. and 6. where these limits have been enlarged, and distribution of premiums given by this act altered.

or merchandizes whatever (save and except the stores of such ship or vessel, and the tackle, materials, and other things necessary for the purpose of the voyage) are taken, or intended to be taken, on board of such ship or vessel. 35 Geo. 3. c. 92.

The East India Company shall not be obliged to grant any license, to pass within the limits of their exclusive trade round the Cape of Good Hope, until the owner of such ship or vessel, or the major part of the owners, shall have entered into a bond in the penalty of 2000*l.* with a condition to be there under-written, for payment of 1000*l.* (over and above the forfeitures and penalties herein mentioned) in case any goods or merchandizes whatsoever, (except the stores, tackle, materials, and other things necessary for the voyage) shall be taken into or put on board such ship upon her outward voyage; or in case such ship shall have taken on board, on any part of the voyage homeward, before her arrival in Great Britain, any goods or merchandizes of the growth, produce, or manufacture of the East Indies, or any islands, ports, towns, or places, between the Cape of Good Hope and the Streights of Magellan, to the value of 100*l.* and upwards (except such provisions, stores, clothing, &c. as it may, at any time during the voyage, have become necessary to take on board for the sole use of the crew).

*Owners of ships passing within the limits of the East India Company's trade, to give bond in the penalty of 2000*l.* &c.*

Ships going beyond the above-mentioned limits, unless driven beyond the same by stress of weather, or other inevitable accident; or being so driven shall not return back with all convenient speed within the limits before prescribed: or if any ship so licensed as above shall take on board before her return any manufactures, goods, or merchandizes, except

*Ships going beyond the above limits, &c. to be subject to penalties, &c. Sect. 22.*

35 Geo. 3. c. 92. such as shall have been described and specified in the manifest or certificate, and except the oil, head-matter, whalebone, &c. such ship, goods, merchandizes, and effects on board the same, the owner, master, and crew, shall be subject to the several provisions, regulations, penalties, and forfeitures, as imposed by the act against persons who shall traffic, trade, or be found in the East Indies, or other places within the limits of the Company's exclusive trade, without license having been first obtained from the said Company.

Sect. 23.

Owners, master, or crew, acting contrary hereto, shall not afterwards be entitled to any future license for the same, or for any other ship or vessel.

Ships touching  
at Saint Helena  
may be searched,  
and prohibited  
goods seized.  
Sect. 24.

If any ship licensed as aforesaid, shall touch at Saint Helena, or be found within the limits above described, the governor of Saint Helena, or the commander of any ship or vessel in the service of the said Company, or any person authorized by them respectively, or any agent specially authorized for that purpose by the East India Company, and residing at any place within the limits before described, may search such licensed ship or vessel, to see if any goods or merchandizes shall be on board her contrary to the provisions of this act; and in case any such shall be found, the same shall be forfeited to the Company, and the owner and master thereof shall be liable to all other penalties and forfeitures, for trading contrary to the said Company's charters, and such goods and merchandizes may be seized by the Company, or any of the persons aforesaid.

Report to the  
East India Com-  
pany on return.  
Sect. 25.

Within thirty days next after the return of any ship or vessel from a fishing voyage to the

eastward of the Cape of Good Hope, the master thereof shall deliver to the secretary of the said Company, a certificate, under the hand of the collector, or comptroller, or other chief officer of the customs, belonging to the port where the said ship shall arrive, verified by the oath of the said master, that no goods or merchandizes whatever, of the growth, produce, or manufacture, of any place or places in the East Indies, China, or elsewhere, between the Cape of Good Hope and the Streights of Magellan, except oil, head-matter, or bone of the whales or other fish, ambergris, or seal skins, have been taken on board such ship during the said voyage; but in case any such goods and merchandizes shall have been taken on board the said ship during the said voyage, then the said certificate shall specify the species, quantity, quality, and value of all such goods and merchandizes, and the cause of taking the same on board; and the owner of such ship shall not be entitled to any bounty under the authority of this act, until such certificate as aforesaid shall have been delivered to the said secretary, and such delivery shall have been proved by a production of his receipt for the same.

Every ship intending to navigate within or frequent any part of the seas comprized in the boundaries of the exclusive trade of the South Sea Company, as described by an act of the ninth year of Queen Anne \*, shall be obliged

License from  
the South Sea  
Company.  
Sect. 26.

\* The limits of the South Sea Company's trade extend, on the east side of America, from the River of Orinoco to the southernmost part of *Terra del Fuego*, except the county of Surinam in the possession of the Dutch, the kingdom of Brazil, and all the places in the possession of the crown of Portugal, and on the west side from the southernmost part of *Terra del Fuego* to the northernmost part of America, including all places within three hundred leagues of the west side of America.

35 Geo. 3. c. 92. to take a license for such voyage from the said Company ; and every vessel navigating such seas, without such license shall be liable to such forfeitures and penalties as are created and enacted by the said act.

**Ships may be armed.**  
Sect. 27.

Such ships or vessels as shall be so fitted and cleared out for the purpose of doubling the Cape of Good Hope, or Cape Horn, or passing through the Streights of Magellan, not being of less than two hundred tons burthen, may be properly furnished with arms and ammunition for resistance and defence, provided the owner or owners of such ships before clearing out shall obtain a license from the lords of the admiralty authorizing the same.

**Upon what conditions license for arming to be obtained from the admiralty.**  
Sect. 28.

The said lords of the admiralty are empowered to grant such license for arming in such cases as to them shall seem fit and proper : provided that there shall have been exhibited to them a certificate, under the hands and seals of the commissioners of customs, testifying, that such ship or vessel is entered out for the purpose of doubling the Cape of Good Hope, or Cape Horn, or passing through the Streights of Magellan ; and provided also, that the owner or owners of such ship or vessel shall have entered into a bond, with two sufficient sureties, in the sum of 1000*l.* with condition that such arms and ammunition shall not be used for any unlawful purpose, but merely for resistance and defence in cases of any involuntary hostility.

**Ships entitled to one premium only.**  
Sect. 29.

No ship or vessel whatever shall be entitled, within the periods of time respectively limited by this act, to sail on and return from such voyage, to more than one of the premiums hereby granted, though such ship shall make

two voyages within any one of the said periods. 35 Geo. 3. c. 92.

No premium whatever shall be paid to the owner or owners of any ship or vessel which shall clear out after the first of January 1795 on the said fishery, unless it shall appear by certificate from the proper officers of the customs, that such ship was visited, and the crew by them respectively mustered, as well before the clearing out for the said fishery, as on her return.

Ships to be visited, and crews mustered.  
Sect. 30.

No ship or vessel which, after the first of January 1796, shall be fitted or cleared out for the said fishery, shall be entitled to any of the said premiums, unless she shall have been duly registered, pursuant to the act of 26 Geo. 3. c. 60.

Ships to be duly registered pursuant to 26 Geo. 3, c. 60.  
Sect. 31.

Upon the return of every ship or vessel from the fisheries aforesaid, in which ship any oil or head-matter shall be imported, and on account of which any of the premiums herein-before granted shall be claimed, in case there shall be any reason to suspect that such oil or head-matter is mixed with water, or any other materials, in order to increase the quantity thereof, it shall be lawful for the collector, or other principal officer or officers of the customs, at the port to which such ship shall so return, to nominate and appoint one or more (as the case may require) skilful person or persons to examine such oil or head-matter; and if it shall appear, upon such examination, that there has been mixed with such oil or head-matter any water, or any other material whatever, whereby the quantity thereof is increased, the owner or owners shall not be entitled to any of the premiums granted by this act; and over and

If the oil or head-matter be mixed with water, ships are not entitled to premium.  
Sect. 32.

35 Geo. 3. c. 92. above the loss of the premium, such oil or head-matter shall be forfeited and lost, and shall and may be seized by any officer or officers of his majesty's customs; and if any dispute shall arise whether there hath been mixed with such oil or head-matter any water, or any other materials whatever, then the proof thereof shall lie on the owner or claimer of such oil or head-matter, or on the person or persons claiming the premiums, and not on the officer who shall seize or prosecute the same.

Exact quantities  
of oil, &c. to be  
ascertained be-  
fore premiums  
to be allowed.  
Sect. 33.

Before any of the premiums shall be paid or allowed to any person or persons whatever, the exact quantity of oil or head-matter taken together shall be truly ascertained by the proper officer or officers of the customs, and such quantity shall be certified by them to the commissioners of the customs in England and Scotland respectively.

No harpooner,  
&c. to be im-  
pressed.  
Sect. 34.

No harpooner, line-manager, or boat-steerer belonging to any ship or vessel fitted out on the aforesaid fishery shall be impressed from the said service, but shall be privileged from being impressed so long as he shall belong to and be employed on board any ship or vessel whatever in the fishery aforesaid.

Whale boats not  
liable to seizure.  
Sect. 35.

No boat used as, and commonly called a whale boat, belonging to any ship or vessel employed in the said fishery, shall be liable to seizure on account of her dimension or construction, provided, on the return of such ship or vessel from the fishery, such boat shall be laid up in such place or places as shall be approved of by the principal officers of his majesty's customs of the port at which such ship or vessel shall arrive, and shall not be employed or made use of in any way whatever but in the said fishery.

If any persons, not exceeding forty families, not being subjects of his majesty, who have been heretofore employed in carrying on the said whale fishery, and being the owners of any ship or vessel, and intending to reside, together with their families (not exceeding forty families in the whole), in this kingdom, for the purpose of continuing to carry on such fishery from thence, shall, on or before the thirty-first of December 1805, come to the port of Milford in the county of Pembroke, with their families, and shall bring any ship or vessel, or number of ships or vessels, not exceeding twenty in the whole, to the said port of Milford, built before the first of January 1798, and manned severally with any number of seamen or fishermen, not less than twelve in number, having been heretofore employed in carrying on the said fishery, and it shall be made appear to the satisfaction of the commissioners of his majesty's customs, or any four of them, by the oath of such owners respectively, and by other means, that he or they have been so employed in carrying on the said fishery for three years previous to his or their arrival; and that he or they, together with his or their family (if any they shall have) are then actually resident in this kingdom; and that twelve such seamen or fishermen at the least are brought into Great Britain in every such ship; and the same shall be certified by the said commissioners to his majesty: it shall and may be lawful for his majesty, by and with the advice of the privy council, to allow the cargoes of oil or head-matter, and fins or other parts of animals frequenting the seas, imported in any such ships or vessels, not exceeding

Foreign owners, &c. may settle under certain restrictions, and enjoy the privilege of British subjects.

35 Geo. 3. c. 92. f. 36. \*

\* See 38 Geo. 3. c. 57. f. 7. where these privileges, under certain restrictions, are extended to inhabitants of the United Provinces.



35 Geo. 3. c. 92. twenty in the whole, which shall arrive from a fishing voyage, to be admitted to entry on payment of the same duty as oil, head-matter, and fins of British fishing ; and to allow any goods, furniture, and stock which shall be necessary to their whaling outfit, and which shall be part of the property of the said owner or owners, imported in any such ships, and arriving from the late residence of the said owners, to be admitted to an entry without payment of any duty whatsoever ; provided, that the owners of such ship or vessel as shall be allowed to enter a cargo on the British instead of the foreign duty, shall give bond to the commissioners of the customs, to the full amount of the difference between the two duties, that he or they will reside during three years in Great Britain, and will not absent himself or themselves from the kingdom during that term, without leave of his majesty, by and with the advice of his privy council, except on the prosecution of a fishing voyage from and to this kingdom.

Foreigners settling here to take the oaths. Sect. 36. -

If any person not being a subject of his majesty, and being the owner, in part or in the whole, of any ship or vessel so admitted to entry as aforesaid, shall fit the said vessel for a whaling voyage from the port of Milford, in the county of Pembroke ; and shall go before some justice of the peace for the said county of Pembroke, or before the principal officer of his majesty's customs in the new port of Milford, and shall take the oath of allegiance to his majesty, and shall obtain a certificate of his having taken such oath ; it shall be lawful for his majesty, by and with the advice of his privy council, to order such ship or vessel to be registered, and to have a certificate of registry, in the same manner as any British ship or vessel ; and every

such ship or vessel shall, during the time that such owner shall continue to have his residence, together with his family, within this kingdom, or during the time that such ship or vessel shall be owned by any natural-born subject or subjects of this kingdom, and shall be duly registered, enjoy all the privileges and advantages, and be entitled to all the bounties and premiums, granted to any British ship or vessel employed in the whale fishery, subject nevertheless to the same rules, regulations, restrictions, penalties, and forfeitures : and every such person shall have and enjoy the rights, privileges, and advantages of natural-born subjects of Great Britain, in like manner, and subject to the like disabilities, as the same may be granted to aliens by a special act of parliament ; provided always, that such owner, not being a subject of his majesty, shall prove in manner directed in the act passed in the 26th year of George III. c. 60. by taking the oath, or making (if a quaker) the declaration hereinafter mentioned, instead of the oath required by the said act ; and shall also conform to all the other regulations respecting the registry contained in the said last-mentioned act : the said oath or declaration shall be in the form and manner following :

I, A. B. [*place of residence and occupation*] do make oath [*or do declare*] that the ship or vessel [*name*] of [*port or place*] whereof [*master's name*] is at present masters, and being [*kind of built, burthen, &c. as described in the certificate of the surveying officer*] was [*when and where built, and when and where it came into this kingdom*] and that the said A. B. [*or the other owners names and occupations, if any, and where they respectively reside, viz. town, place, or parish, and county, or if member of and resident in any factory in foreign parts,*

Form of oath.  
Sect. 38.

35 Geo. 3. c. 92.

or in any foreign town or city, being an agent for or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, the name of such factory, foreign town, or city, and the names of such house or copartnership] am [or are] sole owner [or owners] of the said vessel, and no other person or persons whatever have or hath any right, title, interest, share, or property therein, or thereto; and [if a British subject] that I the said A. B. [and the said other owners, if any] am or was [or are or were] truly and bona fide a subject [or subjects] of Great Britain: and that the said A. B. have not [nor have any other of the owners to the best of my knowledge or belief] taken the oath of allegiance to any foreign state whatever [except under the terms of some capitulation, describing the particulars thereof] or that since my taking [or his or their taking] the oath of allegiance to [naming the foreign states respectively to which he, or any of the said owners, shall have been subject or subjects] and prior to the passing of an act in the twenty-sixth year of the reign of King George the Third (intituled "AN ACT FOR THE FURTHER INCREASE AND ENCOURAGEMENT OF SHIPPING AND NAVIGATION") I have [or he or they hath or have] become a subject [or subjects] of Great Britain [either by his majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization, respectively] or [as the case may be] I have [or he or they hath or have] become a denizen [or denizens, or naturalized subject or subjects, as the case may be] of Great Britain, by his majesty's letters patent, or by an act of parliament passed since the first of January 1786 [naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts of naturalization have passed respectively] or [if not a British subject] that I A. B. [and the other owners, if any] being a subject [or subjects] of some foreign state [specifying the state] have come into and am [or are] now resident in this kingdom [describing the particulars thereof as to place and date] and intend to reside therein, and have taken the oath, or (being a quaker) have made a declaration of fidelity and allegiance to his majesty the king of Great Britain [describing the times when or where, and before whom taken], and that no foreigner, not

having complied with the conditions above-mentioned, directly or indirectly, hath any share or part or interest in the said ship, vessel, &c. 35 Geo. 3. c. 22.

If any person whatever shall knowingly give or grant any false certificate or certificates, for any of the purposes of this act, such persons shall forfeit 500*l.* and be rendered incapable of serving his majesty, his heirs or successors, in any office whatever ; and if any person shall counterfeit, erase, alter, or falsify, any certificate or certificates, such person shall, for every such offence forfeit 500*l.* ; and every such certificate or certificates shall be invalid, and of no effect.

Granting false certificates, or counterfeiting, erasing, altering, &c. incurs a forfeiture of 500*l.*  
Sect. 38.

One moiety of the penalties and forfeitures by this act (except in cases where other directions are given) shall be to the use of his majesty, and the other moiety to such officer or officers of the customs as shall sue or prosecute for the same.

Application of penalties.  
Sect. 40.

Persons sued for any thing done in pursuance of this act may plead the general issue, and shall recover treble costs if the verdict be for the defendant.

Sect. 41.

The former premiums having expired, the act of 38 Geo. 3. c. 57. was passed, by which future premiums are bestowed upon *twenty-six* ships only in the classes under-mentioned :—

38 Geo. 3. c. 57.

1<sup>st</sup>, For twelve ships cleared out between the first of January and the thirty-first of December 1799, and between the first of January and the thirty-first of December in each of the two succeeding years, and which shall carry on the said fishery to the southward

38 Geo. 3 c. 57. of the equator, and return before the first of December in the year subsequent to that of clearing out, the following premiums, viz. 300l. to each of four such ships which so sail and first arrive with the greatest quantity of oil or head-matter, not less than twenty tons in each ship; 200l. to each of the four ships sailing as above, and arriving with the next greatest quantity, not less than twenty tons; and 100l. to each of the four ships sailing as above, and arriving with the next greatest quantity, not less than twenty tons.

2d, For four other ships cleared out, and sailing as above, and which shall proceed to the southward of the thirty-sixth degree of south latitude, there fish, and not return till FOURTEEN calendar months from the day of clearing out, but before the thirty-first of December in the second year of clearing out, there shall be paid 400l. to each of such ships as shall sail and arrive within the time last-mentioned with the greatest quantity of oil or head-matter, not less than twenty tons in each ship.

3d, For ten other ships cleared out between the first of January and the thirty-first of December 1799, and between the first of January and the thirty-first of December in each of the six succeeding years, and which shall double Cape Horn, or pass through the Straights of Magellan, into the South Seas, and fish during four months to the westward of Cape Horn, in those seas, or which shall double the Cape of Good Hope, and fish during four months to the eastward of one hundred and five degrees of east longitude from London, and not return till after sixteen calendar months from the day of clearing out, but

before the thirty-first of December in the second year after clearing out, there shall be paid the following premiums, viz. 600*l.* to any one having the greatest quantity of oil or head-matter, not less than thirty tons; and 500*l.* to each of nine others, having the next greatest quantity, not less than thirty tons. 38 Geo. 3. c. 57.

For facility of inspection, the substance of the above clause has been attempted to be conveyed in the following table :

TABLE of the PREMIUMS, STATIONS, &c. granted by 38 Geo. 3. c. 57. to TWENTY-SIX SHIPS employed in this FISHERY.

| Number of Ships. | Cases.   | Times of Clearing Out.  | Premiums.    | Tonnage. | Stations.  | Times of remaining out.                           | Times of Return.  |
|------------------|--|---|--------------|----------|--|---|---|
| 12               | First 4 ships arriving with largest quantity,                                    | Between Jan. 1 and Dec. 31, 1799, and between Jan. 1 and Dec. 31 in each of the two succeeding years, | £. 300 each. | 20       | Southward of the Equator.  | 11 Months.  | Before the 1st December in the year subsequent to clearing out. |
|                  | Second 4 ditto,  |   | £. 200 each. | 20       |  |   |   |
|                  | Third 4 ditto,   |   | £. 200 each. | 20       |  |   |   |
| 4                | Ditto,   | Between Jan. 1 and Dec. 31, 1799, and between Jan. 1 and Dec. 31 in each of the two succeeding years, | £. 400       | 20       | To the Southward of 36° S. Lat.  | 14 Calendar Months.                               | Before the 31st Dec. in second year of clearing out.            |
|                  | Ship having the greatest quantity of oil or head-matter,                         |   | £. 600       | 30       |  |   |   |
| 10               | To each of the 9 others having the next greatest quantity of oil or head-matter, | Between Jan. 1 and Dec. 31, 1799, and between Jan. 1 and Dec. 31 in each of the six succeeding years, | £. 500       | 30       | To double Cape Horn, or pass through Magellan into the South Seas, and fifth during 4 months to the Eastward of 105° E. Lon. | 16 Calendar Months from the time of clearing out. | Before the 31st Dec. in the second year after clearing out.     |
|                  |  |   |              |          |  |   |   |

Ships sailing to the eastward of the Cape of Good Hope, may pass beyond fifty-one degrees east longitude, *provided that*, after passing five degrees east longitude they shall not pass to the northward of fifteen degrees south latitude, until they have passed to the eastward of one hundred and eighty degrees east longitude. Ships sailing to the westward of Cape Horn, or through the Straights of Magellan, may pass beyond one hundred and eighty degrees west longitude, *provided that*, after passing beyond one hundred and eighty degrees of west longitude, they do not keep to the northward of fifteen degrees south latitude, until they come within fifty-one degrees of east longitude from London.

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#### NEWFOUNDLAND FISHERY.

THE increase of seamen and shipping is the leading object of the legislature in the acts passed for the encouragement of fisheries in general ; but there are also other benefits resulting, no less important in a commercial, than the increase of seamen and shipping may be estimated in a national point of view. By employing great numbers of seamen and shipping, considerable quantities of provisions and manufactures are consumed, whereby “ not only the “ poor are kept in constant employment, but great quantities of wine, oil, plate, iron, wool, and other commodities, which formerly drew out much specie from the “ country, are paid for out of the produce of the Newfoundland Fishery, and imported into Great Britain. “ From these circumstances, the revenue is considerably increased, and Trade, Commerce, and Navigation, appropriately encouraged.”



Impressed with a due sense of these advantages, the legislature, in the reign of King William, declared this trade should be free to all his majesty's subjects, and several necessary regulations were prescribed by the act alluded to, for preserving the harbours, stages, cook-rooms, &c. giving privileges to those who should first arrive, and appointing an equitable and judicious mode of settling disputes which might arise amongst the fishermen, by empowering the fishing admirals to decide and determine these differences, with power of appeal in cases of intricacy, or where the parties might think themselves aggrieved, to the commanders of such of his majesty's ships as should be appointed for convoy. But the increasing number of persons employed upon this fishery, the advantages derived to the revenue, and those resulting to trade and commerce, were felt to be of so much importance, that parliament deemed it proper, to erect WITHIN THE ISLAND a criminal and civil tribunal, where crimes and civil suits might be determined according to the laws of England. Previous to this by the act, 10 & 11 Will. 3. c. 25. s. 12. it was enacted, that all robberies, murders, felonies, and all other capital crimes committed in Newfoundland and its appendant banks, seas, and islands, might be tried in any county in England. By the act 33 Geo. 3. c. 76. A SUPREME COURT OF JUDICATURE is now erected, by his majesty's commission under the great seal, and all crimes and misdemeanors committed in that island, and all complaints of a civil nature, are tried, heard, and determined, according to the laws of England, as far as the same can be applied. The clause of this act relative to the distribution of the property of persons dying insolvent, and the preference given to fishermen who may be creditors, deserves peculiar notice; but all the enactments of this most estimable act are equally wise, politic, and equitable; and it may be justly pointed out as conducing to form a complete system of civil and criminal jurisprudence for the numerous and wealthy class who are within the sphere of its operation, and whose interest and accommodation it has ever been one

of the distinguishing features of a British parliament to consult and to promote.

It shall and may be lawful, for all his majesty's subjects within the realm of England, or the dominions thereunto belonging, to trade to Newfoundland, and the seas, rivers, lakes, creeks, and harbours thereunto belonging, or any of the islands adjoining, and to have, use, and enjoy the free trade and traffic, and art of merchandize and fishery, to and from Newfoundland, and peaceably to have, use, and enjoy, the freedom of taking bait and fishing in any of the rivers, lakes, creeks, harbours, or roads, in or about Newfoundland and the said seas, or any of the islands adjacent thereto, and liberty to go on shore on any part of Newfoundland, or any of the said islands, for the curing, salting, drying, and husbanding of their fish, and for making of oil, and to cut down wood and trees there for building and making or repairing of stages, ship-rooms, train-sats, burdles, ships, boats, and other necessaries, for themselves and their servants, seamen and fishermen.

Free trade to  
Newfoundland.  
10 & 11 Will. 3.  
c. 25. s. 1.

No ballast, prest-stores, or any thing else hurtful to, or annoying any of the harbours there, shall be thrown out of any ship or otherwise, by any person or persons whatsoever, to the prejudice of any of the said harbours, but that all such ballast and other things shall be carried on shore and be laid where they may do no annoyance.

No ballast, &c.  
to be laid on  
shore.  
Sect. 2.

No person or persons whatsoever shall (at his departure out of the said country, or at any other time) destroy, deface, or do any detriment,

No person to  
destroy any  
stage, cook-  
room, &c.

10 & 11 Will. 3.  
c. 25. s. 5.

Stages to be  
repaired with  
timber cut out  
of the woods  
there.

Ship first en-  
tering harbour  
to be admiral  
for the season.  
Sect. 4.

Second ship,  
vice-admiral.

Third ship,  
re-ar-admiral.

to any such stage, or cook-room, or to the flakes, spikes, nails, or any other thing whatsoever thereto belonging, as he or they shall fall into, at his or their coming into the said country, but shall (during continuance there) content him or themselves with such stage or stages only as are needful, and shall upon departure thence leave all such stage or stages, without doing, or causing to be done, any wilful damage to any of them; and that for the repairing of such stage or stages which shall be so taken during residence, the necessary timber shall be fetched out of the woods, and not by ruining, or breaking down, demolishing, prejudicing, or any wise injuring, the stage or stages of any other person or persons whatsoever.

According to the ancient custom there used, every such fishing-ship, fisherman, &c. as shall first enter any harbour or creek in Newfoundland shall be admiral of that harbour or creek, during that fishing season; and for that time, shall reserve to himself only so much beach, or flakes, or both, as are needful for the number of such boats as he shall there use, with an overplus only for the use of one boat more than he needs, as a privilege for his first coming thither; and that the master of every such second fishing ship as shall enter any such harbour or creek, shall be vice-admiral of such harbour or creek during that fishing season; and that the master of every such fishing ship next coming as shall enter any such harbour or creek, shall be rear-admiral of such harbour or creek during that fishing season; and that the master of every fishing ship there shall content himself with such beach or flakes as he shall have necessary use for, without keeping or detaining any more

beach or flakes, to the prejudice of any such other ship or vessel as shall arrive there; and that such person or persons as are possessed of several places in several harbours or creeks there, shall make his or their election of such place as he or they shall choose to abide in, and shall also, within eight-and-forty hours after any after-comer into such place shall demand, declare such his resolution relative to his election (if the weather will so soon permit, or so soon after as the weather will permit); and such person shall give or send his resolution to such after-comer, touching such his election, of such place as he shall so choose to abide in for the fishing season; to the end that such after-comer may likewise choose the place of his abode there.

20 & 21 Will. 3.  
c. 25. §. 5.

Persons possessed of several places shall make their election, &c. and declare the same within forty-eight hours.

And in case any difference shall arise, touching the said matters, the admirals of the respective harbours where such difference shall arise, or any two of them, shall proportion the place to the several ships in the several harbours they fish in, according to the number of boats which each of the said ships shall keep.

In case of difference, admirals to proportion the place.

Several inhabitants of Newfoundland, and other persons, having engrossed and detained in their own hands, for their private use and benefit, several stages, cook-rooms, beaches, and other places in these harbours, which before belonged to the fishing ships, for the purpose of curing the fish, &c. to the great prejudice of the fishing ships, sometimes to the overthrow of the voyage, and to the great discouragement of the trade in general, the following two sections was made to remedy these abuses.

All persons who shall take, seize, or detain any such stage, cook-room, beach, or other place for taking bait, or fishing, or for the dry-

Persons taking stages, cook-rooms, &c. to leave them to the public.  
Sec. 5.

20 & 21 Will. 3.  
c. 25. s. 5.

ing, curing, or husbanding of fish, shall relinquish, quit, and leave to the public use of the fishing ships arriving there, all and every the said stages, cook-rooms, beaches, and other places for taking bait, and fishing, and for the drying, curing, and husbanding of fish,

No inhabitant of Newfoundland to possess any stage, &c. till all ships be provided.  
Sect. 6.

No fisherman, or inhabitant of Newfoundland, or any other person or persons whatsoever, shall, at any time after the twenty-fifth day of March, seize, take up, or possess, any of the stages, cook-rooms, beaches, or other places, which did, or at any time hereafter shall, belong to any fishing ship or ships, for taking bait, or fishing, or for drying, curing, or husbanding of fish, before the arrival of the fishing ships, nor until all such ships so arriving shall be provided.

Bye-boat keepers not to meddle with stages, &c.  
Sect. 7.

Persons going over, with their servants, to Newfoundland, to keep their boats, on a fishing voyage, commonly called bye-boat keepers, shall not pretend to, or meddle with, any house, stage, cook-room, train-fat, or other convenience, that did belong to fishing ships, or shall be cut out, or made by ships.

Masters of bye-boats to carry two fresh men in six.  
Sect. 9.

Inhabitants to employ two such fresh men.

Ship: to carry one fresh man in five.

Every master of a bye-boat, or bye-boats, shall carry with him at least two fresh men in six, viz. one man that hath made no more than one voyage, and one man who hath never been at sea before; and every inhabitant shall be obliged to employ two such fresh men, as the bye-boat keepers are obliged for every boat kept by them; and all masters of fishing ships shall carry with them in their ship's company at least one such fresh man that never was at sea before, in every five men they carry; and the master of each such bye-boat, and each such fishing ship, shall make oath before the collec-

tor, or other principal officer of the customs, of the port from whence such ship intends to sail, that each ship and bye-boat's company have such fresh men therein, as this act directs; and the said officer is hereby empowered and required to administer the aforesaid oath, and thereupon to give certificate thereof, under his hand, without any fee, gratuity, or reward for so doing.

Every master or owner of any fishing ship going to Newfoundland shall have in his ship's company every fifth man a green man, that is to say, not a seaman, or having ever been at sea before.

Every fifth man  
a green man.  
Sect. 10.

No persons shall at any time obliterate, expunge, cut out, deface, or any ways alter, or change, the mark of any boat or train-fat belonging to any other person, whereby to defraud or prejudice the right owner thereof; nor convert to his own use any boat or train-fat belonging to any other person, without his consent and approbation; nor remove, nor take away, any such boats or train-fats, from the place where they shall be left by their owner, except in case of necessity, and also upon giving notice thereof to the admiral of the harbour, or place where such boat or train-fat shall be left, to the end that the right owners may know what is become of them.

Marks of boats  
or train-fats not  
to be obliterated.  
Sect. 11.

No person or persons whatsoever shall rind any of the trees there standing or growing, upon any occasion whatsoever, nor shall, by any ways or means whatsoever, set on fire any of the woods of the said country, or do, or cause to be done, any damage, detriment, or destruction to the same, for any use whatsoever, except only for necessary fuel for the ships and

Trees not to  
rinded, nor  
woods fired.  
Sect. 12.

10 & 11 Will. 3. inhabitants, and for the building and necessary  
 c. 25. repairs of houses, ships, boats, and train-fats,  
 and of the stages, cook-rooms, beaches, and  
 other places, for taking bait, and fishing, and  
 for drying, curing, and husbanding fish there ;  
 and no persons shall cast anchor, or do any  
 matter or thing whatsoever, to the annoyance  
 or hindering of the haling of seines in the  
 accustomed baiting places, or shoot their  
 seines within or upon the seines of any other  
 persons whatsoever ; nor shall steal, purloin, or  
 take out of the nets of other persons, lying  
 adrift, or drover for bait by night, nor steal,  
 purloin, or take away, any bait out of any fish-  
 ing-boat, or any net belonging to any other  
 person.

Seines not to be  
 annoyed.

Nor nets, boats,  
 &c. stolen.

Several persons having been guilty of thefts, robberies, murders, &c. upon the land in Newfoundland and the adjacent islands ; and having escaped punishment, because their trials had been heretofore adjudged before the lord high constable and earl marshal of England ;

It was enacted, by the thirteenth section of this act,

Robberies, &c.  
 on Newfound-  
 land may be tri-  
 ed in any coun-  
 ty in England.

That the crimes above-mentioned, namely, robberies, murders, felonies, and all other capital crimes whatsoever, committed upon the land in Newfoundland, or in any of the islands thereunto belonging, might be heard, tried, and determined, in any shire or county in England, according to the laws of the land used for the punishment of capital crimes committed within this realm.

But the above, and the two following sections, namely, those appointing admirals to execute this act, to determine differences, and giving power of appeal to commanders of convoys,

have been virtually repealed by the 35 Geo. 3. 10 & 11 WM. 3. c. 25.  
called the Newfoundland Judicature Bill, the enactments of which will be seen at the conclusion of this head.

The Lord's Day to be strictly and decently observed ; and none of the said inhabitants who keep any tavern, ale-house, or other public house for entertainment, shall entertain, or sell, utter, or dispose of, to any fisherman, seaman, or other person whatsoever, any wine, beer, ale, cyder, strong water, or tobacco, or any other liquors whatsoever. For observing the Lord's Day. Sect. 16.

Some doubts having been entertained whether whale fins, oil, blubber, &c. imported by the Company of Merchants of London trading to Greenland, were intended to be charged to certain duties of tonnage and poundage granted, in the same reign, by the last section of this act, it is declared and enacted,

That all whale fins, oil, blubber, &c. taken and imported as aforesaid in English shipping, were and are hereby declared to be free of the said duties, as all fish of English taking. Oil, blubber, &c. not subject to poundage.

The following are the regulations respecting the bounties granted in this fishery :

From the first of January 1787, the following bounties shall be paid annually for ten years, to a certain number of ships employed in this fishery, under the limitations and restrictions after expressed, that is to say, such vessels shall be British built, and wholly owned by his majesty's subjects ; and shall be navigated with a master, and at least three-fourths of the mariners, British subjects ; and shall be in other respects qualified, and subject to the same rules and restrictions as prescribed by the preceding Bounties. 26 Geo. 3. c. 26.



26 Geo. 3. c. 26. act (10 & 11 Will. 3. c. 25.) ; and shall be cleared out from Great Britain, or the islands of Guernsey, Jersey, or Alderney, after the said first day of January in each year; and shall proceed to the banks of Newfoundland, and having caught a cargo of fish, consisting of not less than ten thousand fish by tale, shall land \* the same at any port on the north, east, or south side of Newfoundland, between Cape St. John and Cape Raye, on or before the fifteenth of July in each year; and shall make one or more trips to the said banks, and return with another cargo of fish caught at the same port. In which case each of the one hundred vessels which shall first arrive, shall, if navigated with not less than twelve men, be entitled to 40l. ; but if any of them so first arriving shall be navigated with less than twelve men, and not less than seven, they shall be entitled to 25l. But if in either of the above cases, any of the one hundred vessels so first arriving shall be wholly navigated by men going out upon shares in lieu of wages, such ships, so navigated, if not less than twelve men, shall be entitled to 50l. each; and if so navigated with less than twelve men, and not under seven, they shall be entitled to 35l. each.

By the following table, the particulars of this clause are exhibited at one view :

\* By 29 Geo. 3. c. 53. no fish, unless caught by British subjects arriving at Newfoundland from Great Britain or the British dominions in Europe, shall be landed or dried in Newfoundland, within the above district.

# TABLE of PREMIUMS to the FISHERIES of NEWFOUNDLAND.

*Pursuant to 26 Geo. 3. c. 26.*

| Number of Ships. | Arrivals.    | Cargo.                                 | Number of Men. | Bounties. | If navigated by men for shares in lieu of wages. |
|------------------|--------------|--|----------------|-----------|--|
| 100              | First ships, | Not less than 10,000 fish by the tale, | 12             | £.40      | £.50   |
|                  | 2d ships,    | Ditto,                                 | 7              | £.25      | £.35   |

The master and owner of every such vessel, shall produce to the collector, or other principal officer of the customs, at the clearing port, or, if cleared from Guernsey, Jersey, or Alderney, to the collector, or other principal officer of the customs, in some port of Great Britain, a certificate from the governor of Newfoundland, that the master of such vessel has produced to him a certificate, from the collector and comptroller at the clearing port, testifying, that such vessel was duly qualified to proceed on such fishery; and that it has been made appear to his satisfaction, by a certificate under the hand and seal of the naval officer of the district in Newfoundland, where such fish was landed, or, where there is no naval officer, under the hand and seal of the commander of his majesty's ships stationed there, or of such officer as the governor shall approve, specifying the time of such vessel's arriving in manner before directed, that such vessel was entitled to one or other of the bounties herein-before mentioned, as the fact may be; and that the master and mate of such vessel had made oath that the

26 Geo. 3. c. 26.  
Masters of fishing vessels to produce certificates of due qualification.  
Sect. 1.

26 Geo. 3. c. 26. number of fish taken, on the first trip, amounted to ten thousand at least ; that he had made two trips at least ; and that all the fish, on both trips, were caught on the banks of Newfoundland, by the crew of such vessel only ; and upon delivering up the said certificate to the collector, the respective bounties therein mentioned shall be paid by him.

Certificate to contain the real number of mariners, &c.  
Sect. 2.

In every such certificate, there shall be inserted the real number of mariners belonging to such vessel, and intended to be employed in the fishery, distinguishing how many are new, or green men, and whether they are hired upon shares, or are to receive their wages. This is to be verified upon the oath of the master, made before the person who shall grant the certificate ; and if such vessel shall be cleared out from Guernsey, Jersey, or Alderney, then such oath shall be taken before a magistrate of the royal court ; on failure thereof, such vessel shall not be entitled to receive any of the bounties.

Certificates in Newfoundland to be transmitted to the governor of St. John's.  
Sect. 3.

The several certificates and affidavits taken in Newfoundland, in order to satisfy the governor thereof, as to the facts to ground his certificate upon the payment of the bounties, shall, within the district of St. John's be transmitted to the governor of St. John's before the fifteenth of September in every year, and within any other district in the said island before the thirtieth of September in each year.

Masters of vessels to take certain oaths before they receive the bounties.

Every master of a vessel shall, before he receive any of the bounties, make oath, before the collector and comptroller, or other chief officer of the port in Great Britain where he shall arrive on his return from Newfoundland, that all the men belonging to his ship, who

failed out with him, or a number of men equal thereto, are returned to Great Britain, unless any of his crew have died at Newfoundland, or in the said voyage, either on the passage out or return home, or have deserted without his consent, or have been shipped on board British vessels for foreign markets. 26 Geo. 3. c. 26.

The hirer or employer of any green man may advance to any such green man, during the time he shall be in his service, a sum not exceeding 5l. 10s. although the same shall amount to more than one half of the wages which shall be due to him, provided a sum equal to the then current price of a man's passage home, not exceeding 40s. for each man, be reserved to bear the charge of his return home. Hirers of any green man may advance money. Sect. 5.

Where any seaman or fisherman shall wilfully absent himself from his duty or employ without leave of his employer, or shall wilfully neglect to work for the space of one day, he shall, for every day he shall so absent himself, or wilfully neglect to work, forfeit any number of days pay, not exceeding five, as the governor of Newfoundland, or his surrogate, may think just and reasonable; and such forfeiture shall be paid to the hirer or employer of such seamen or fishermen, in recompence for the loss which he may have sustained thereby. Seamen absenting themselves from duty to forfeit five days pay. Sect. 6.

Before any oil or blubber imported from Newfoundland into Great Britain shall be admitted to entry duty free, the master or commander of the ship importing the same shall make oath before the collector, or chief officers of the customs, at the port in Great Britain in which oil or blubber is imported, that the same is really and *bona fide* the oil or blubber, &c. actually caught and taken on the banks, and Masters of ships to make oath, before oil, &c. is imported duty free, that such oil, &c. is the produce of fish taken by his majesty's European subjects. Sect. 7.

26 Geo. 3. c. 26. shores of Newfoundland, and parts adjacent; wholly by his majesty's subjects carrying on the said fishery, from his majesty's European dominions.

Similar oath upon importation of seal skins. Sect. 8.

A similar oath is to be taken upon the importation of seal skins, before they can be admitted to entry duty free.

Oil and blubber, &c. purchased in Newfoundland may be imported duty free, upon oath of the master of particulars of the purchase, &c. Sect. 9.

In case any oil, blubber, or seal skins, shall be purchased in Newfoundland, or the parts adjacent, and imported into Great Britain, the same shall be admitted to entry, duty free, provided the master or commander of the ship importing the same, shall make oath of all the particulars respecting the purchase thereof, before the collector, or other chief officer of the customs, at the port of Great Britain into which such oil, blubber, or seal skins are imported; and shall deliver to such collector, &c. a certificate from the naval officer of the district of Newfoundland, where such oil, blubber, or seal skins were purchased; or if there be not any naval officer at such place, then from the commander of any of his majesty's ships stationed there, testifying, that oath had been made before him, by the persons who actually caught the fish, seals, &c. from which the oil, blubber, skins, &c. mentioned in such certificate were produced, that such oil, blubber, skins, &c. were really the produce of fish, or creatures living in the sea, and actually caught on the banks and shores of Newfoundland, and parts adjacent, wholly by his majesty's subjects carrying on the said fishery, from his majesty's European dominions; such master or commander shall also make oath, that the oil, blubber, or seal skins so imported are the same referred to in the said certificate.

Certificate from naval officers in Newfoundland.

Upon the importation of any foreign salt into this kingdom, from any place from whence it may be legally imported, the importer thereof shall be at liberty to give bond for the payment of the duty within the space of twelve calendar months from the date of such bond ; and if such salt shall be exported again within twelve calendar months, the bonds given for the duties thereon shall be cancelled ; and in case the full duties payable for such salt shall have been paid, and such salt shall afterwards be exported, a drawback of all the duties which were so paid shall be allowed.

Bond to be given upon importation of foreign salt.

26 Geo. 3 c. 29 s. 10.

No persons concerned in the said fishery, to use on the shores of Newfoundland any seine or net for the purpose of catching cod fish, the mesh of which shall be less in dimensions than four inches, under the penalty of forfeiting 100l. for every such offence : prosecutions to be commenced within three calendar months after the offence committed.

Persons using any seine or net with meshes of less dimensions than four inches liable to a penalty of 100l.

Sect. 11.

All persons concerned in the said fishery, deserting with intent to enter into the service of any foreign state, or who shall in any manner agree to absent themselves, or desert the governor of Newfoundland, or his surrogates, or the judge of the vice-admiralty court, or any justice of the peace of Newfoundland, may issue his warrant to apprehend such person, and, on the oath of one or more credible witnesses, to commit him to prison, there to remain until the next court of session, and order such deserter to be detained in prison, without bail or main-prize, for any time not exceeding three months, in case he shall have come from any of his majesty's dominions for the purpose of carrying on the said fisheries.

Seamen deserting to any foreign state, or absenting themselves, &c. may be apprehended and committed, Sect. 12.

Seamen intending to desert to be sent back.

26 Geo. 3. c. 26.

f. 13.

Provided, that it shall be lawful for such governor, within the space of three months, or as soon after as may conveniently be, to cause every such person to be put on board a passage ship, in order to his being conveyed back to the country to which he belonged, and for which the master of such ship shall be paid in manner hereinafter mentioned; and every master or commander of such passage ship shall take on board such persons as the said governor shall direct, not exceeding four for each one hundred tons of such ship, and so in proportion for every ship under one hundred tons: provided nevertheless, that no person shall be so put on board of any ship which shall not be of the burthen of forty tons; but if any person convicted as above shall not have come from any of his majesty's European dominions, for the purpose of carrying on the fisheries aforesaid, then it shall be lawful for the said court of session to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding twelve calendar months.

Persons concerned in this fishery shall not sell, barter, or exchange ships, boats, tackle, &c. except with his majesty's subjects.

Sect. 14.

Persons residing in Newfoundland, or carrying on the fishery on the banks thereof, shall not sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any seines, nets, or other implements, used, or which may be used, in catching or curing fish, or any kind of bait whatsoever, which may be used in the catching of fish, or any kind of fish, oil, blubber, or seal skins, peltry, fuel, wood, or timber, to or with any person whatsoever, other than the subjects of his majesty.

The governor of Newfoundland may issue his warrant to apprehend every offender against the preceding section, and on the oath of one or more credible witnesses may commit him to prison, there to remain until the next court of session; and every such person, if found guilty shall forfeit treble the value of the articles so sold, &c.; and in case of non-payment of the penalty, the court may order such person to be punished, and dealt with in the same manner as deserters are.

Persons bartering, selling, exchanging, &c. to be dealt with in the same manner as deserters.

26 Geo. 3. c. 26, f. 15.

Persons purchasing, or taking in exchange, or by way of barter, any goods or commodities whatsoever, from any person, being a subject of any foreign state, shall be apprehended and committed to prison, and on conviction before the court of session shall forfeit treble the value of such goods or commodities so purchased, &c.; and in case of non-payment of the penalty, the court may order such persons to be dealt with as is directed with respect to deserters.

Persons purchasing, taking in exchange, &c. foreign goods or commodities to forfeit treble the value, and to be dealt with as directed in the case of deserters. Sect. 16.

Provided, that nothing herein-contained shall extend to prevent bread, flour, Indian corn, and live stock, from being imported into Newfoundland in certain British vessels, according to act of parliament.

Exceptions to the preceding section. Sect. 17.

The sum for which the governor shall agree for the passage of any person from the said island to the place to which he belonged, shall in no case exceed 40s. each person, and shall be paid to the master of such ship, upon his producing to the court of session a certificate from the governor of the numbers and names of the persons taken on board by his direction, and of the times they were taken on board, and the several sums agreed to be paid; which sums

Not more than 40s. to be paid for passage of persons sent home by the governor, to be paid by court of session, if sufficient fund; if not, commissioners of the navy to allow 6d. per day for each such passenger.



26 Geo. 3. c. 26. the court of session is to pay to such master, if sufficient funds shall remain in their hands.

If no funds in the court of session, to be paid by commissioners of the navy.  
Sect. 19.

But if no sufficient fund shall remain in the hands of the next court of session, then every such master, upon producing a certificate from the said governor, and making an affidavit at his return, setting forth the time during which he subsisted such person, and that he did not, during that time, want any of his own complement of men, or how many he did want of such complement, and for what time, shall receive from the commissioners of the navy 6d. *per diem* for the passage and provisions of such person, from the day of embarkation homewards to the day of arrival in Great Britain, the said sum of 6d. *per diem* only being deducted for such time, and so many persons as he wanted of his complement during his voyage.

Officers of his majesty's ships may search, examine, and detain any ships concerned in this fishery within the limits of their stations.  
Sect. 20.

Officers commanding any of his majesty's ships at Newfoundland may stop and detain all ships, vessels, or boats, of what nature or description soever, coming to, or going from, the said island, and belonging to, or in the service or occupation of any of his majesty's subjects, residing in, trafficking with, or carrying on this fishery, in any place within the limits of his station, and detain, search, and examine such ship, &c. ; and if upon examination there shall be reasonable ground to believe that such ship, &c. or any tackle, apparel, or furniture, used, or which may be used, by any ship, &c. or any implements or utensils used, or which may be used, in catching or curing of fish, or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship, &c. were intended to be sold, bartered for, or exchanged, to the subjects of any foreign state, or shall be

discovered to have been sold, bartered for, or exchanged; or if any goods whatsoever shall be found on board such ship, &c. or shall be discovered to have been on board, having been purchased, or taken in barter, or exchange, from the subjects of any foreign state; in every such case he shall seize and send back such ship, vessel, or boat, to Newfoundland; and such ship, &c. shall, upon due condemnation, be forfeited or lost, and may be prosecuted for that purpose, by the officer seizing the same, in the vice-admiralty court of Newfoundland; one moiety of which forfeiture to be given to the said officer, and the other moiety to the governor of Newfoundland, to be applied in defraying the passages home of such persons as are directed to be sent back to the country to which they belong.

The two following sections relate to the conducting suits at law in consequence of this act.

Every action or prosecution in consequence of this act, shall be commenced within three months after the offence shall have been committed; but if the parties shall have quitted Newfoundland, within three months after return to Great Britain.

Actions to be commenced within three calendar months after the offence committed.  
Sect. 23.

One moiety of the fines or penalties to be levied upon the seamen or fishermen (except those for neglect of duty), and one moiety of such ships, vessels, or goods, as shall be seized, condemned, and forfeited, as before-mentioned (except where the distribution is otherwise directed by this act), shall be given to the informer, and the other moiety to the governor of Newfoundland, to be applied in defraying the passage home of such persons as are directed to be

Application of penalties.  
Sect. 24.

26 Geo. 3. c. 26. sent back to the country to which they belong.

Part of 15 Geo. 3. relative to the jurisdiction of vice-admiralty court repealed. Sect. 25.

So much of the act of 15 Geo. 3. as gives any jurisdiction to the court of vice-admiralty for Newfoundland, with respect to enquiring into and determining disputes concerning the wages of any seamen and fishermen, or any offence committed by any hirer or employer of such seamen or fishermen, or any differences between them upon contracts or agreements is by this clause repealed.

27 Geo. 3. c. 19. f. 8.

No vessel whatever, not exceeding the burthen of thirty tons, and not having a whole or fixed deck, and being solely employed in the fisheries of Newfoundland, and the parts adjacent, shall be subject to be registered, pursuant to 26 Geo. 3.

29 Geo. 3. c. 53. f. 1.

No fish to be landed or dried at Newfoundland, unless caught by subjects of Great Britain, or of the British dominions in Europe.

34 Geo. 3. c. 46. continued by 35 Geo. 3. c. 25. His majesty empowered to establish a court of criminal and civil jurisdiction, to be called the supreme court of judicature in the island of Newfoundland, with full power, &c.

By this act, his majesty, by commission under the great seal, is empowered to institute a court of criminal and civil jurisdiction, to be called THE SUPREME COURT OF JUDICATURE OF THE ISLAND OF NEWFOUNDLAND, with full authority to hold plea of all crimes and misdemeanors committed within the island of Newfoundland, and on the islands and seas to which ships repair from thence, for carrying on the fishery, and on the banks of Newfoundland, in the same manner as plea is holden of such crimes and misdemeanors in England; and also with full power to hold plea, in a summary way, of all suits of a civil nature arising within the island of Newfoundland and seas adjacent. This court shall determine such suits, according to the law of England, as far as the same can

be applied : it shall be a court of record, and shall be holden by a chief justice to be appointed by his majesty. 34Geo. 3. c. 46.

The following are the principal sections of this act :

The governor, with the advice of the chief justice, may institute SURROGATE COURTS in different parts of Newfoundland, as occasion shall require, with full power to determine, in like summary way, all suits and complaints of a civil nature, which shall be determined according to the laws of England, as far as the same can be applied. These courts to be courts of record, and holden by a surrogate appointed by the governor, with such clerks, ministerial officers, &c. as the governor shall think proper to appoint.

Governor, with advice of chief justice, may institute surrogate courts.  
Sect. 2.

The supreme and surrogate courts respectively, in suits depending, may cause to appear before them all persons interested, in the matter in dispute, from day to day, examine upon oath, and make such order, judgment, or decree therein, and award such damages and costs, as the case may require. In cases where the cause of complaint shall not exceed 5l. the first process to be by summons; which, if not obeyed, or if the cause of complaint shall exceed 5l. an attachment may be issued against the goods, debts, or effects, or the person may be arrested. Executions of orders, judgments, or decrees, may be enforced in a similar manner; and the chief justice and surrogates respectively may authorize some persons in their absence to issue process, and do all acts appertaining to the supreme and surrogate courts; hearing and determining civil or criminal actions only excepted.

Mode of proceeding in the supreme and surrogate courts.  
S. 3.

If no jurors,  
surrogates and  
assessors may  
proceed.  
32 Geo. 3. c. 16.  
s. 4.

In actions exceeding 10l. jurors may be summoned; but if a sufficient number should not appear, two assessors, with the chief justice or surrogates, may proceed to trial.

Appeals.  
Sect. 5.

Appeals may be made from judgments, for sums exceeding 40l. in the surrogate court; and in the supreme court for sums exceeding 100l. to the king in council: notice having been first given of such intention, and security entered into, to be approved by the chief justice, in double the sum for which such judgment was given; and as soon as notice is given, and security completed, proceedings shall be stayed.

Goods of per-  
sons insolvent.  
Sect. 6.

When goods are attached, if it shall appear that the party is insolvent, the court shall order his effects to be collected and distributed.

Directions for  
the distribution  
of insolvent's  
effects.  
Sect. 7.

In the distribution of the effects of an insolvent, every fisherman and seaman employed in the fishery, who shall be a creditor for wages become due in the then current season, shall first be paid 20s. in the pound, so far as the effects will go; and in the next place, every person who shall be a creditor for supplies furnished in the current season shall be paid 20s. in the pound; and lastly, all other creditors shall be paid as far as the effects will go.

Certificate of  
the court, bars  
all suits for debt,  
prior to insolv-  
ency.  
Sect. 8.

Insolvent persons, making a true disclosure and discovery of their effects, and conforming to the directions of the court (with consent of one-half of the creditors in number and value), the same may be certified, and such certificate shall be a bar to suits for debt prior to the declaration of insolvency.

Chief justice may grant administration of the effects of intestates and probates of wills ; but administration of effects shall not be administered in Newfoundland, unless administration or probate shall have been duly granted.

Probates and administration to be granted by chief justice. 32 Geo. 3. c. 16. f. 10.

No court, except the supreme and surrogate courts, shall hold pleas of a civil nature ; but the vice-admiralty court may hold plea of maritime causes (except for wages) and causes of revenue. Disputes respecting the wages of seamen, &c. may be heard in the court of sessions, or before two justices.

No court but the supreme court to hold pleas of a civil nature. Sect. 12.

Suits for debts not exceeding 40s. may be determined in a summary way by the court of session, or two justices respectively, who may award costs ; and such determination and award shall be final, and may be carried into execution by attachment and sale of the goods and effects of the party.

Suits under 40s. Sect. 14.

The remaining sections relate to the regulation of fees, recovery, and application of penalties, &c.

By the seventeenth section, no officer in the service of the customs is capable of acting as a justice of the peace in Newfoundland.

Sect. 17.

The above act is continued until *thirty* days after the commencement of the next session of parliament.

39 Geo. 3.

## BRITISH HERRING FISHERY.

26 Geo. 3. c. 81.  
continued by  
38 Geo. 3. c. 58.  
Bounties, &c.

A BOUNTY of 20s. per ton shall be paid annually to the owner of every decked vessel, not less than fifteen tons burthen, manned and navigated according to law, employed in the British white herring fishery, under the following regulations.

Regulation of  
vessels to be en-  
titled to boun-  
ties.

26 Geo. 3. c. 81.  
s. 2. and  
27 Geo. 3. c. 10.

Every bus or vessel, to be entitled to the above bounty, shall be built in Great Britain, and have on board (barrelled up in new barrels) twelve bushels of salt for every last of fish which such vessel is capable of carrying, and also two hundred and fifty square yards of netting, and not less than five men for the first fifteen tons, and one additional man for every additional five tons, and shall clear out of some port in Great Britain between the first of June and the twentieth of November in the same year, and shall proceed immediately upon the said fishery, and there fish, without obstructing any other vessel employed therein, for three months at least, unless such vessel, within that space of time, shall return into port with a full cargo of fish taken wholly by the master and crew of such vessel.

No vessel enti-  
tled to bounties,  
unless it pro-  
ceeds directly  
from the port to  
which it be-  
longs.

26 Geo. 3. c. 81.  
s. 3.

License from  
the collector of  
the customs, &c.

No person entitled to bounties for any vessel which shall not proceed directly upon the fishery from that port to which such vessel shall belong, and where any one or more of the owners of such vessel shall reside; and the owner or owners of such vessel shall take out a license to proceed, from the collector or comptroller of the port where she was *bona fide* manned, victualled, furnished, accoutred, and fitted out.

Vessels, to be entitled to the benefit of this act, shall be visited by such officer of the customs belonging to her clearing port as shall be appointed, who shall certify to the said commissioners of the customs such his visitation, examination, and admeasurement, and that such vessel hath on board such a quantity (the quantity of fishing-nets, stores, &c. as required by the second section of this act). In case the owners, or one of them, or his agent, and the master of such vessel, shall make oath, before the collector or comptroller of such port, to be subscribed to the said certificate, that it is really and truly their purpose and resolution, that such vessel shall proceed immediately upon the British white herring fishery, there to continue fishing for three calendar months at least (unless such buss or vessel shall sooner obtain a full lading of fish), without obstructing any other vessel employed in the said fishery; and if the above-named parties shall become bound, with two sufficient sureties, in the penalty of treble the bounty on the tonnage of such vessels (which bond is to be in force for the space of three years against the parties thereby becoming bound), for the faithful dealing of the said master and his crew, then it shall be lawful for the collector and comptroller of such port to grant full license and authority to proceed on such voyage.

Officer of the customs, on return of the ship, shall repair on board, and view the condition thereof, and of its lading, and certify the same, together with his observations thereon, and also the real tonnage of such vessel, and the names of the master and other persons on board; and the master of such vessel shall make oath before

Before proceeding, vessels shall be visited and measured by officers of the customs.  
26 Geo. 3 c. 82.  
l. 4.

Oath to be made of the vessel's, being to proceed immediately on the fishery.

Security to be given for the faithful conduct of the crew, which is to entitle them to licenses for the voyage.

Officers of the customs, on return of the ship, to certify her condition, and oath to be made that she has answered the terms required.  
Sect. 5.



26 Geo. 3. c. 81. **the collector or comptroller, to be written on, and annexed to the license (which said master is hereby required to deliver up), that such vessel did, without delay, proceed from the port in such license mentioned, and remained employed in the said fishery pursuant to the second and three preceding sections ; and that during the whole of the time, the nets, and other stores, and the number of men, by law required, were on board of the same vessel, or employed in the lawful prosecution of the said fishery ; and that the said vessel hath not, since its last clearance outwards, been on any other voyage, or pursued any other design or view of profit than that of taking fish, or salting or curing the same, or salting or curing other fresh fish lawfully purchased at sea ; and that all the fish brought into port by the said vessel were taken by the crew belonging thereto, or (in case of such vessel not returning till after the expiration of three months) were purchased of British subjects ; which certificate, license, and oath, together with an account of the fish taken, shall be transmitted by the said collector and comptroller to the commissioners of the customs in England, or to the commissioners of the customs or excise for Scotland respectively ; and such commissioners being fully satisfied, shall, on demand, cause payment to be made to the owner or owners, or to his or their assigns, by the receiver-general of the customs or excise, as the case shall happen, the sum of 20s. per ton, according to the admeasurement of such bus or vessel.**

**Certificate.**

**Certificate, with license, &c. to be transmitted to the commissioners, who are to order the bounty to be paid.**

**Vessels returning with a less number of men than required, unless through desertion, sickness, &c. not entitled to bounty.—Sect. 6.**

have, unless through death, sickness, or desertion, or which shall return within the said three calendar months without a full cargo, unless the whole were actually caught and taken by the master and crew belonging to such vessel, shall not be entitled to any bounty on the tonnage thereof.

26 Geo. 3 c. 81.  
f. 6.

The commissioners of customs in England and Scotland respectively are to order the same bounty to be paid by the receiver-general or cashier of the customs, for that part of Great Britain whence the vessel shall have departed ; but if the receiver-general or cashier of the customs at Edinburgh shall not have sufficient money in his hands, any three of the commissioners of customs there shall give the person entitled to receive such bounty a certificate to the commissioners of excise for Scotland ; which being affixed to the said license, and the other certificates and documents aforesaid, and produced to the said commissioners of excise, they are, on demand, to cause the said money to be paid by the receiver-general or cashier of the said excise.

Bounties to be paid by the receiver-general of the customs, Sect. 7.

For every barrel of herrings, twice packed, and completely cured, which shall, during one year, be landed from any vessel entitled to the aforesaid bounty of 20s. per ton, there shall, be a bounty of 4s.

Bounty of 20s. per ton to be paid upon all herrings completely packed and cured. Sect. 8.

But if the number of barrels of herrings imported shall, in any one year, exceed the proportion of two barrels and a half of herrings, packed and cured as aforesaid, for every ton burthen of such vessel, then there shall be paid for every barrel so exceeding the said proportion, a bounty of 1s. only.

Bounty of 1s. per ton only, if exceeding certain proportions. Sect. 9.

How bounties  
upon herrings  
are to be com-  
puted.  
26 Geo. 3. c. 82.  
s. 10.

All herrings upon which shall be claimed the said bounties of 4s. and 1s. or either of them, shall be computed at the time of their being unshipped, while they are in the state in which they are usually denominated *Sea-steeks*, or herrings not repacked; and that four barrels in that state shall be considered as equivalent to three barrels packed a second time.

Herrings not  
entitled to 20s.  
in what cases  
to be paid 2s.  
per barrel.  
Sect. 11.  
See 35 Geo. 3.  
c. 56. s. 3.

For all herrings which shall be landed from any boat or vessel not entitled to the bounty of 20s. per ton, and which shall afterwards be properly salted and cured, there shall be paid a bounty of 2s. per barrel.

Casks to be  
branded in sight  
of the officers  
of the customs,  
to distinguish  
such herrings as  
are entitled to  
the tonnage  
from those  
which are not.  
Sect. 12.

Before any bounty shall be paid, every cask or package of herrings shall be branded, in the sight of the officer of the customs, with a hot iron, in such lasting marks as the commissioners of the customs shall direct, and as may effectually distinguish the casks or packages containing herrings landed from vessels entitled to the said bounty on the tonnage thereof, from such as contain herrings landed from boats or vessels not entitled to such bounty on the tonnage.

Bounties, how  
payable.  
Sect. 13.

The said bounties of 4s. and 1s. shall be paid by the same persons, in the same manner, as the bounty of 20s. per ton, upon a debenture or certificate, to be prepared and granted by the collector or comptroller of the customs in the port where the ship shall be entered, and to be verified by the person executing the office of searcher in such port.

Additional pre-  
miums for en-  
couragement of  
the Deep Sea  
Fishery.  
Sect. 14.

For the encouragement of the fishery, called the *Deep Sea Fishery*, over and besides the several bounties herein-before granted, there shall be paid the additional premiums following, that is to say, for the greatest quantity of

herrings caught by the crew of any one vessel (which shall be entitled to the several bounties of 20s. per ton, and 4s. and 1s. per barrel), and be imported by such vessel between the first of June and the thirty-first of November in any one year, the premium of eighty guineas; and for the next greatest quantity the premium of sixty guineas; and for the next greatest quantity the premium of forty guineas; and for the next greatest quantity the premium of twenty guineas: each of which said premiums shall be paid at any time after the thirty-first of November in every year, by the same person, and in the same manner, as the same bounty of 20s. per ton.

26 Geo. 3. c. 81.

All duties payable for such herrings, cod, ling, hake, salmon, or other white fish, caught and cured by British subjects, as shall be removed for home consumption (except such equalizing duties as are by this act expressly directed to be continued) shall cease and determine.

Duties upon fish removed for home consumption are taken off.  
Sect. 15.

All such dried cod, ling, or hake, as, under the 5 Geo. 1. or any subsequent act, have been entitled to the bounty of 5s. per hundred, granted by that act, 3s. per hundred weight only shall be paid for such cod, ling, or hake, called *Haberdine*; and the bounty of 5s. per hundred, granted by the above-cited act, is discontinued and repealed.

Bounty of 5s. per hundred upon cod, ling, &c. granted by 5 Geo. 1. repealed.  
Sect. 16.

All casks in which fish (except fresh) shall be packed up, either for exportation or home consumption, shall be marked with the names of the curers, burnt with an iron, in conspicuous and permanent characters; or in default thereof, such casks to be seized by the officers of the

Casks to be marked with the curers names.  
Sect. 17.

26 Geo. 2. c. 31. customs; and upon due proof thereof before a magistrate, such casks or barrels, together with the fish, shall be forfeited.

Staves of every barrel to be half an inch thick. Sect. 18. The staves of every barrel in which white herrings or wet white fish shall be packed for exportation, shall be at least half an inch thick at the bulge, and full bound; or in default of this, may be seized and forfeited.

Privileges for practising fishing for seven years. Sect. 19. Persons who shall have followed the occupation of seamen on board any vessel employed in the fisheries of Great Britain (being married men) may set up and exercise any trade in Great Britain, as freely, and with the same provisions, and under the same regulations, and with the like exception in respect to the two Universities, as any mariner or soldier may do by the 22 Geo. 2. intituled, "An Act to enable such Officers, Mariners, and Soldiers, as have been in His Majesty's Service since his Accession to the Throne to exercise Trades."

Sect. 20. Fish cured with salt made in any part of Great Britain may be carried into any other place in the said kingdom.

Duties on fish cured with salt made in Scotland extended. Sect. 21. Rates and duties payable by 29 Geo. 2. c. 23. on the importation into England of salmon, cod, ling, tusk, and other white fish, cured with salt made in Scotland, for which the duty hath been there paid and secured, shall be continued and extended to imported fish cured with salt made in any part of Great Britain; and the regulations of 29 Geo. 2. c. 23. are extended to this act.

White herrings, &c. may be carried from one place to another in Great Britain to be exported. Sect. 22. White herrings, red herrings, or any salmon, cod, ling, tusk, or other white fish, may be carried from any place in Great Britain to any other place therein for exportation, the owner

of the fish, or master of the vessel, making oath, before the chief officer of the customs, or his deputy, that such fish were caught in Great Britain, or on the coast thereof, and cured with salt delivered duty free from some port of the said kingdom, and, when, where, and to whom, the said salt was so delivered. 26 Geo. 3. c. 81.

Fish so brought, or conveyed coastwise from one place of Great Britain to another, shall, upon exportation of any part thereof to foreign parts, be entitled to the same allowances or bounties as by the act of the 5 Geo. 1. c. 18. are granted \* on the exportation of fish cured in Great Britain, such fish being subject to the same rules and regulations to prevent the re-landing or reimporting thereof, as prescribed by 5 Geo. 1. c. 18. Fish so brought coastwise for exportation to be entitled to bounties.

No bounties upon exportation of fish so carried coastwise from any place in England to any place in Scotland, shall be paid in England; but the chief officer of the customs, or his deputy, shall give a debenture for the payment of the said allowances or the bounties; which debenture being produced to the commissioners of the customs in England, they shall pay the same. Sect. 25.

Provided also, that the proprietor of such fish as shall be put on board of any vessel, whether for home consumption or exportation, or his Entry to be made at the port of shipping, of the quantity, and where cured.

\* The 5 Geo. 1. c. 18. s. 6. (as amended by 26 Geo. 3. c. 18. s. 16.) gives the following allowances upon exportation : Sect. 26.

|  | s. | d. |
|--|----|----|
| Every cask of pilchards or scads, containing fifty gallons                 | 7  | 0  |
| Every cwt. of dried cod fish, ling, or hake                                | 3  | 0  |
| Every barrel of wet cod fish, ling, or hake, containing thirty-two gallons | 2  | 0  |
| Every barrel of salmon, of forty two gallons                               | 4  | 6  |
| Every barrel of white herrings, of thirty-two gallons                      | 2  | 8  |
| Every barrel of full red herrings, of thirty-two gallons                   | 1  | 9  |
| Every barrel of clean shotten herrings, of thirty two gallons              | 1  | 0  |
| Every half of dried red sprats   | 1  | 0  |

26 Geo. 3. c. 81  
s. 26.

agent, shall, before such vessel depart, make a full entry with the collector, or other chief officer of the customs there, or his deputy, of fish so shipped, expressing the number of barrels of wet fish, with the marks and numbers thereof, and the number and weight of each species of dry fish; and declare upon oath, that the said fish were cured in Great Britain, or on the coast thereof, and whether they were cured with salt delivered duty free, or with salt for which the duty payable by law hath been paid or secured; and that the salt used in curing such wet or dried fish respectively was taken on board from some port or place in Great Britain, and when and where it was so taken on board, and that no drawback for the same hath been had, or is intended to be had, upon the exportation of the said salt; and the said collector, &c. is likewise required to deliver to the master of such vessel, a certificate or cocquet that such entry and oath have been duly made; which said certificate or cocquet shall be delivered to the proper officer of the customs in the port or place where the same shall be imported, or landed, or put on board of any other ship or boat, upon pain of forfeiting all such fish, and also double the value thereof, together with all the casks or vessels in which such fish shall be found, the same to be recovered of the importer or proprietor of the fish, or of the master of the vessel in which the same shall be imported.

Curers of fish in Great Britain may take from any salt works or pits in Great Britain, such quantity of British salt as they shall think proper, as well for the curing of any kind of fish for exportation as for the curing of herrings and other fish taken in the herring fishery for home

consumption, without paying any duty for the same, and may remove coastwise the salt so taken to any port in Great Britain ; but such curers of fish, or their agents, must enter at the next office for the salt duty the quantity of salt so intended to be removed, and procure the same to be weighed, in the presence of an officer for the salt duties, and also make oath before such officer, declaring the true quantity thereof, and that all such salt is intended for the curing of fish for exportation, or for herrings or other fish taken in the herring fishery for home consumption ; and that the said salt is intended to be removed coastwise to such port or place (naming the same), and shall not by their order, consent, or connivance, be sold, given away, or any ways delivered, but for the purpose aforesaid ; and also to make a full entry of such salt, with the proper officer of the customs at the port where the same shall be shipped, for the purpose of being transported coastwise ; and also give security to the same proper officer, by bond, for the due payment of such duties ; and the proprietor of such salt, or his agent, shall, and before the same shall be reloaded, make a full entry with the collector, or other principal officers there, of the salt so intended to be reloaded, expressing the true quantity thereof ; and also making oath before such collector, or other officer, that all the said salt was shipped at such port or place (naming the same), and when the same was so shipped, and that all the said salt is intended for the curing of fish for exportation, or for herrings or other fish taken in the herring fishery for home consumption ; and that no part of such salt, since the same was shipped, hath been, or shall be sold, given away, or any ways delivered, but for the

36 Geo. 3. c. 81.

Salt for curing of fish taken in the herring season for home consumption, &c. may be taken duty free, upon the terms herein specified. Sect. 27.

Entry to be made at the port of shipping such salt, and bond given ; and like entry to be made at the intended port of reloading.



26 Geo. 3. c. 81.

Officer of the  
customs to deli-  
ver certificate of  
entry, which is  
to cancel the  
bond, &c.

Salt carried  
coastwise, con-  
trary to this act,  
shall be forfeit-  
ed.  
Sect. 28.

Salt may hence-  
forward be deli-  
vered into cus-  
tody of the pro-  
prietor on his  
own bond.  
Sect. 29.

Sect. 30, 31.

Sect. 32.

Bounties, how  
payable.  
Sect. 33, 34.

purpose aforesaid ; and that no drawback for the same hath been had, or is intended to be had, upon the exportation of the said salt ; after which oath, the officer of the customs is required to deliver to the proprietor of the said salt, or his agent, a certificate of entry, which is to cancel the bond, &c.

If any British salt shall be removed from the works or pits, or transported or removed coastwise, or landed contrary to the regulations prescribed by this act, such salt, and also double the value thereof, besides the duties payable for the same, shall be forfeited, to be recovered of the proprietor of such salt, or the master of the vessel so transporting or removing the same.

From the inconveniences arising from 8 Geo. 2. c. 12. and 25 Geo. 3. c. 63. relative to the sureties to be found by the proprietor of salt, such salt may now be delivered into the custody of the proprietor, or his agent, who shall not be obliged or required, under the above acts, to give any security by sureties, but his own bond, in double the amount of the duties only.

Credit to be given on the back of the bond for the quantity of salt accounted for, &c. and the bond is exempted from the stamp duties.

Officers accepting fees to forfeit treble the value, and to be discharged.

The bounty of 1s. per barrel to be paid to the inhabitants of the Isle of Man, for herrings caught and cured by them, conformable to the regulations of this act ; and on exportation thereof, to be allowed the bounties granted by 5 Geo. 1. c. 18. ; which bounties are to be paid, if exported from the Isle of Man, as the bounty

of 1s. per barrel is payable there ; and if from 26 Geo. 3. c. 81. Great Britain, as the bounty on exportation from Britain, and under the like regulations.

Duties now payable on the importation of Sect. 35. herrings from the Isle of Man to cease ; and the penalties on officers taking fees are extended to the fisheries of the Isle of Man.

The oath required by 12 Geo. c. 58. may Sect. 36. be administered by the revenue officer at the port in the Isle of Man where herrings are shipped.

Commissioners of the customs may add to the salaries of officers in consequence of the abolition of fees.

Persons counterfeiting certificates, &c. to be punished as persons convicted of forgery ; and taking false oaths, to be deemed guilty of perjury.

The remaining sections of this act relate to the application of penalties, mode of conviction, &c.

No vessel to be deemed to have a full cargo, What to be deemed a full cargo. 27 Geo. 3. c. 10. s. 3. if under the proportion of four barrels of herrings once packed, or three twice packed, for every ton burthen.

Decked vessels of not less than fifteen tons burthen shall be entitled to the bounties granted by 26 Geo. 3. c. 81. if they take in one year the proportion of six barrels of herrings, when cured, for every ton burthen, though they may not have been fitted out with the quantity of salt required by the said act. Decked vessels of not less than fifteen tons, in what cases entitled to bounties.

An account of the quantity of herrings delivered from vessels not fitted out agreeable to the above cited act, 26 Geo. 3. c. 81. to be taken at the port of delivery ; and no more Not more than fifty vessels in one year from the same port entitled to the bounty of 20s. per ton.

27 Geo. 3. c. 10. than fifty such vessels fitted out in one year from the same port shall be entitled to the bounty of 20s. per ton, which shall be paid to the fifty vessels that shall have taken the greatest quantity, if more than that number be fitted out.

Herring, &c.  
sprinkled with  
salt on landing,  
may be carried  
coastwise in bulk  
duty free.  
35 Geo. 3. c. 56.  
f. 4.

*Curers of herrings* in Great Britain, may, during each season of the British fishery, carry coastwise in bulk, free of any duty whatever, herrings (or cod, ling, hake, or salmon, actually taken on the herring fishery) that shall have been deposited under the care of the salt officers at any fishery upon the British coasts, and there sprinkled with salt taken out of any warehouse under the revenue locks (such salt having been there deposited for that purpose only) to preserve them until the same shall be afterwards carried coastwise to that part of Great Britain where they are to be entirely cured. Provided always, that the coast cocquet shall express that no bounty has been paid or claimed for such fish; and that they are subject to all the regulations for the security of the duties on salt.

The fifth section of this act recites an act of Queen Anne, passed in Scotland, whereby it was enacted, that sheriffs, &c. should visit the curing and packing of herring or white fish within their respective bounds; and that in case there were broken, bruised, split, or *not gutted*, herring or fish among them, the said sheriffs were thereby ordained to secure the whole casks where such insufficient herring should be found, and the persons to whom they belonged should pay one hundred marks *Scots*, and such insufficient herring should not be exported at any time thereafter; and enacts,

S.A. 5.

That so much of the said act as relates to the securing of casks of herrings, to the paying the said fine or penalty, and to their not being exported, for or in respect of any ungutted herrings being found therein, be repealed.

The following is the substance of the 39 Geo. 3. c. 100. relative to this fishery.

This act recites the 26 Geo. 3. continued and amended by 35 Geo. 3. and enacts, that all the power and provisions therein contained, shall, from and after the first of March 1799, be revived, and shall continue in force until the end of the next session of parliament.

The governor, deputy-governor, and directors of the **BRITISH SOCIETY FOR EXTENDING THE FISHERIES, AND IMPROVING THE SEA COASTS OF THIS KINGDOM**, incorporated by 26 Geo. 3. c. 106. are empowered to give the following premiums and loans to persons at the society's settlements, viz. 60l. a-year, in premiums or rewards to such sober and industrious persons, resident at any of the settlements of the society as they shall deem most deserving, by reason of their expertness in fishing, curing of fish, preparing of soap or oil from fish, making of nets, or in the cultivation of the soil, or other useful arts, tending to the advancement of the beneficial purposes of the said society; and also to lend at legal interest a sum not exceeding 500l. for the purpose of purchasing, building, or equipping, boats or other vessels for the fishery; and also such further sums on loans to such persons as may build houses or tenements at any of the settlements of the society, the sum so lent not exceeding one-third of the value of the houses or tenements so to be built, such value to be ascertained by satisfactory certificates, and to be repaid by equal instalments in the course of five years; and also such sums, not exceeding 200l. in loans, on proper security, to be repaid in one year, to such persons as may undertake to provide stores

39 Geo. 3. c. 100.

26 Geo. 3. c. 81. and 35 Geo. 3. revived and continued in force till the end of the next session.

The governor, &c. of the British Society, incorporated by 26 Geo. 3. c. 106. empowered to give premiums, and advance loans, to persons at the Society's settlements.

60l. a-year in premiums to persons the most expert in fishing, &c.

500l. in loans to persons, for purchasing vessels for the fishery, and further sums for building;

200l. in loans to persons providing stores at the settlements;

39 Geo. 3 c. 100. of oatmeal or salt, or other necessaries at either of the said settlements. for the use of the inhabitants thereof, the sum lent to such person in no case to exceed two-thirds of the value of the salt, oatmeal, or other necessaries which such person shall become bound to provide ; and also such sums of money, not exceeding 200l. in loans, to such persons as may undertake to establish any manufactory of nets, sail-cloth, or cordage, or of spinning of hemp, flax, or woollen yarn, such sum not exceeding three years, and in no case to exceed two-thirds of the value of the hemp, flax, wool, or other materials, which such person shall have provided, or become bound to provide, for such manufactory.

and 200l. more to persons who undertake to establish a manufactory of nets and sail-cloth, &c.

By the third and last clause, the surplus-money of the society may be invested in government securities, or lent on heritable bonds in Scotland.

By the following act, the fisheries are extended, under certain necessary restrictions, to the subjects of the United Provinces.

Inhabitants of the United Provinces may carry on the fisheries, under certain regulations.

35 Geo. 3. c. 56. s. 7.

If any person, being a subject or inhabitant of the United Provinces, who has been employed in carrying on the herring, cod, ling, haddock, or other white fisheries, or the fisheries carried on in the Greenland Seas and Davis's Streights, or the turbot fisheries, or in building vessels, or in cutting whalebone, or in making nets or barrels, or in preparing salt for the said fisheries, shall come into this kingdom, with intent to reside herein, and shall go before some justice of the peace, sheriff depute or substitute, or principal magistrate of some city or town in this kingdom, and shall take the oath of allegiance to his majesty, and shall obtain a certificate of his having taken such oath (for which

he shall pay no greater fee than 2s.) ; and if <sup>35 Geo. 3. c. 56.</sup> such person shall produce such certificate to the commissioners of his majesty's customs in England or Scotland respectively, and shall make it appear to the satisfaction of such commissioners, that he is a subject or inhabitant of the said United Provinces, and has been employed in some one or other of the said fisheries, trades, or employments, the said commissioners of his majesty's customs shall grant to such person a certificate thereof, and such person shall be forthwith entitled to enter for importation duty free and afterwards to re-export any cargo of fish, or the produce thereof, caught in any of the said fisheries, which he may then have brought into the ports of this kingdom, and shall from thenceforth be authorized to carry on, from the said ports, the said fisheries, or any of them, or to exercise in any place therein any of the said trades or employments, and to import and export such fish or oil, or the produce thereof, to or from any ports in this kingdom, in the same manner, and with all the same advantages, as any British subject, and be entitled to all such bounties, premiums, and emoluments, as are granted by the acts of 26 Geo. 3. c. 81. and 27 Geo. 3. c. 10. and continued by this act, and to no other : subject, nevertheless, in the case of claiming such bounties, to the same rules, regulations, restrictions, penalties, forfeitures, and such person shall thereupon be entitled to become the master or mariner of any British ship or vessel in carrying on any of the said fisheries.

Inhabitants of the United Provinces may import and export fish duty free.

If any such person, who shall have qualified himself in manner before directed, being the owner, in whole or in part, of any ship or vessel

Ships to be registered, &c. Sect. 8.

35 Geo. 3. c. 56 employed in some one or other of the said fisheries, shall bring any such vessel into any of the ports of this kingdom, and shall prove, in the manner directed in the act for the further increase and encouragement of shipping and navigation, his having taken the oath hereunto annexed \*, instead of the oath required by the said act, it shall be lawful for his majesty, with the advice of his privy council, to order such ship or vessel, so owned, to be registered, and to have a certificate thereof; and such ship or vessel shall, by virtue thereof, become entitled to the privilege of a British built ship or vessel, under the regulations and restrictions herein-after mentioned.

During such time as the owner or owners of such ship or vessel shall continue to reside within this kingdom, such ship or vessel may carry on any of the said fisheries and import and export into and from this kingdom, and carry to the port of any country in Europe the fish caught in any or the said fisheries, and the oil and other produce thereof; and such ship or vessel shall be entitled to the like advantages as any British built ship or vessel employed in any of the said fisheries, and to all such bounties, premiums, and emoluments, as are

To have the  
privileges of  
British-built  
ships.  
Sect. 9.

\* FORM OF THE OATH.—This oath is the same as that prescribed in a preceding act (page 157). with this difference towards the conclusion :

That I, A. B. [and the other owners, if any] being a subject [or subjects] inhabitant [or inhabitants] of the United Provinces, [or having been an inhabitant or inhabitants thereof, and resident in this kingdom, describing the particulars thereof as to the place and date] have [or be or they have or hath] taken the oath of fidelity and allegiance to his majesty the king of Great Britain [describing the time when, the place where, and before whom taken] and that no foreigner, not having complied with the conditions above-mentioned, directly or indirectly, hath any share or part or interest in the said ship or vessel. 35 Geo. 3. c. 56. s. 12.

granted by either or both of the acts continued 35 Geo. 3. c. 56.  
 by this act; subject nevertheless, in case of claiming such bounties, to the same duties, rules, regulations, restrictions, penalties, and forfeitures; and every such ship may import from any such foreign European port in return for such fish, oil, or produce, any articles which any British built ship, may, by law, import from thence; subject, nevertheless, to the same duties, rules, regulations, restrictions, penalties, and forfeitures, as any British built ship so employed in the like trade: provided always, that every such ship shall be manned with the number required by law, either of British seamen, or by subjects or inhabitants of the said United Provinces, who have come to, and reside within this kingdom, and have qualified themselves in manner before directed.

Any person so qualified as aforesaid shall be entitled to purchase, or take by descent, and hold any estate, in lands, tenements, or hereditaments (not exceeding one hundred acres) in the same manner as any natural-born subject of this kingdom.

Persons so qualified may take by descent or purchase.  
 Sect. 10.

Any person, qualified in manner before mentioned, may import, and bring into this kingdom, all such ships, tackle, and furniture, and all nets, and other articles, employed in such fisheries, and also all household goods, and wearing apparel, without payment of any duty whatsoever; provided it shall be made appear to the satisfaction of the commissioners of the customs in England and Scotland respectively, that such articles respectively are not imported by way of merchandize.

Persons qualified as above may import ships, tackle, &c. such articles not to be imported by way of merchandize.



## MACKAREL FISHERY.

Fish curers in Great Britain may import salt for curing fish duty free.  
35 Geo 3. c. 54

**FISH** curers in Great Britain may import any quantity of foreign salt, or take any quantity of British salt, from any salt-works and salt-pits, and remove coastwise the salt so imported or taken for the purpose of curing mackarel (or any cod, ling, hake, or salmon, being taken in the mackarel fishery) for home consumption, without paying any duty for the same, except the customs due on the importation thereof, in as full a manner as any curers of fish engaged in the herring and pilchard fishery are enabled for home consumption.

**Bounties.**

For every barrel of white mackarel twice packed, and completely cured, containing thirty-two gallons, which shall be exported from Great Britain into any parts beyond seas (except into any part of the Mediterranean, in which case no bounty given by this act shall be paid) a bounty of 2s. 8d. shall be paid; and for every barrel of mackarel which shall be landed from any boats or vessels, and which shall hereafter be properly salted and cured there, shall be paid a bounty of 1s.

Fish cured for home consumption may be carried coastwise.

Any person may carry from any port or place in Great Britain to any other place or port in the said kingdom, any mackarel or any cod, ling, hake, or salmon, being taken in the mackarel fishery, and cured for home consumption.

Officers appointed to pay bounties to retain certain sums in hand.

The proper officers appointed to pay the bounties given by this act, are directed to retain in their hands, the following sums, to defray the charges attending the passing of this act, until the same shall amount to 200l. viz. for every barrel of mackarel on which the

bounty of 1s. shall be payable, the sum of 6d. 35 Geo. 3. c. 54.  
and for every barrel of mackarel on which the  
bounty of 2s. 8d. shall be payable, the sum of  
1s. 6d.

### OYSTER FISHERY.

ANY person who shall use any net, trail, dredge, or other instruments, within the limits of any oyster fishery, or shall dredge for oysters, or oyster brood, or use any oyster dredge, or any net, instrument, or engine whatsoever, within the limits of any oyster fishery, for the purpose of taking or catching oysters or oyster brood, although no oysters or oyster brood shall be actually taken, or shall with any net, instrument, or engine, drag upon the ground or soil of any such fishery, all and every such person, not lawfully entitled to take or catch oysters therein, shall be deemed guilty of an offence and misdemeanor, and may be prosecuted for the same by indictment at the assizes, or general quarter sessions of the peace, for the county in which such fishery shall lie; and the justices in sessions are hereby authorized and required to hear and determine such offences; and such persons, being lawfully convicted by verdict or confession, may be punished for either of the said offences, either by fine and imprisonment, as the court shall think proper, such fine not to exceed 20l. nor be less than 40s. and such imprisonment not to be for more than three months, nor less than one month.

Persons unlawfully catching oysters or brood within the limits of any fishery punishable by fine and imprisonment.  
31 Geo. 3. c. 51

Provided, that nothing in this act shall extend to prevent, or hinder, any person from taking, catching, or fishing, for any floating fish in the waters or creek, within the limits of any oyster

Act not to extend to the taking of floating fish.  
sect. 2.

1st Geo. 3. c. 52. fishery, with any net, instrument, or engine, which shall be made or fitted for the purpose of taking or catching floating fish only.

Justices may issue warrants for apprehending offenders, and for want of sureties may commit them till the quarter sessions.  
Sect. 3.

Any justice of the peace for any county, riding, or division, wherein any such offence shall be committed, upon a complaint and oath thereof made before him within thirty days next preceding such complaint, shall issue a warrant for the apprehending such person so offending, and for bringing the offender before him ; and such justice shall, if he see cause, commit him, there to remain until the then next assizes, or then next general quarter sessions of the peace, for such county, until such person shall enter into recognizance, with two good and sufficient sureties, in the penalty of 20l. each, to appear, and answer to any indictment that may be preferred against him by virtue of this act.

Persons found taking or using engines for taking oysters or brood, refusing to discover themselves, may be seized, &c.  
Sect. 4.

If any person shall be found actually taking or catching any oysters, or oyster brood, within the limits of any oyster fishery, or dredging for oysters, or oyster brood ; or using any oyster dredge, or any net, instrument, or engine whatsoever, for the purpose of taking or catching oysters, or oyster brood, although no oysters, or oyster brood, shall be actually taken ; or with any net, instrument, or engine, dragging upon the ground or soil of any such oyster fishery ; any person being owner, lessee, occupier of such fishery, or otherwise lawfully entitled, to take or catch oysters therein, and his apprentice or servant, in case the person so offending refuses to discover his true place of residence, may seize such offender, and carry him before a justice, who shall proceed against such offender as if brought before him upon warrant.

No justice to commit or require security from any persons, unless recognizance is entered into to prosecute. 31 Geo. 3. c. 51. §. 5.

Persons may be discharged from confinement upon entering into recognizance. Señ. 6.

This act not to affect any act now in force respecting any particular oyster fishery, nor to preclude prosecutions at common law. Señ. 7, 8.

### THAMES FISHERY.

THE court of assistants of the Fishermen's Company (or the major part of them present) may make such bye-laws and ordinances for the good rule and government of the said Company as they shall think fit, so as the same may be always first approved of, or, from time to time, altered or amended by the court of the lord mayor and aldermen of the city of London. There shall be yearly elected and chosen by the next court of lord mayor and aldermen, out of the six wardens of the said Company for the time being, to be nominated by the said court of assistants, one fit person to be a master of the said art or mystery of fishermen; and also out of twelve assistants to be nominated as aforesaid, six fit persons to be wardens of the said art and mystery (whereof the water-bailiff of the city of London shall be one); and in like manner out of sixty of the commonalty, to be nominated, thirty fit persons, to be assistants of the said Company; which said master, wardens, and assistants, or any sixteen of them, together with three of the said wardens, shall constitute the court of assistants of the said Company for the time being; and shall assemble together, from time to time, on the first Thursday in every month in the year,

Court of assistants of the Fishermen's Company may make bye-laws, &c. for the government of the said Company. 9 Anne, c. 27. Señ. 1.

9 Anne, c. 26. in the Hall of the said Company, for the better regulating and reforming abuses committed in the said fishery, and for the due ordering and governance of the said fishery, to the holding of which court the said water-bailiff shall be always duly summoned to attend. And the said court of assistants, or the major part of them present, shall, from time to time, call before them all and every such person and persons, as shall use to fish or dredge within the limits of the said fishery, and cause every such person or persons, being duly qualified, or having served in her majesty's navy for the space of two years, to have his or their names registered in a book or books, to be kept by the said court of assistants, together with the respective places of abode, and the name of every apprentice or servant belonging to him or them. And shall likewise cause some mark of distinction, by figure or otherwise, to be placed on every boat, vessel, or craft, that shall be used in fishing or drudging; which said figure, or mark of distinction, shall not be changed, altered, or defaced, to the end that every person or persons, apprentice, and servant, as shall offend, contrary to the meaning of this act, may be the better detected; and that her majesty may be the better enabled to know what number of able-bodied seamen the said Company can furnish for public service.

Persons summoned, and refusing to appear, to be sent on board the fleet. Sect. 1.

Every person or persons being duly summoned by the said court of assistants to appear before them, in order to be entered and serve on board her majesty's navy. Persons so summoned, and refusing to appear, shall be sent on board the fleet, and disabled to fish in the said river of Thames for the space of two years.

## Freight, Charter-Party, and Demurrage.

THE several regulations upon these heads are so interesting to all persons concerned in commerce, that it is unnecessary to apologize for touching upon them here.

In treating upon these topics, we have begun with the several definitions, and proceeded to the leading principles of each, in the order in which they occur : a mode by which not only a more perspicuous idea will be conveyed respecting these subjects, but the reciprocal duties of merchants or factors and masters and ship-owners, will be more distinctly traced.

The number of merchant ships which have been recently taken up by the Transport Board, renders the subject of freighting vessels for that service more important and interesting than has ever occurred before. The principles and regulations, therefore, relative to this service, will be found under the head TRANSPORT SERVICE, which will be a distinct and additional head.

Freight is the sum agreed upon between the merchant and ship-owner for the hire of a ship, or carriage of goods. Sometimes the term freight is used to signify the cargo or loading, instead of the sum agreed upon for the carriage.

Definition of freight.

Ships may be hired from the master or owner either in part, or in the whole, by the month, for an entire voyage, or by the ton. This is technically termed *taking a ship to freight*.

Taking a ship to freight.

How a verbal agreement will operate.

If there be a *verbal agreement* only, and earnest given, and the same be broken off by the merchant, according to the Rhodian law he loses his earnest; if the master or owners repent, they forfeit double. But by the common law of England, either of the parties damnified may bring his action upon the case, and recover all the damages of the agreement.

Freight where no agreement.

Freight will however arise, not only by the terms of a charter party, or verbal agreement, but by common usage; for when goods are sent on board generally, such freight becomes payable as is customary for the like goods in similar voyages.

Cargo answerable for freight.

The lading of the ship is tacitly bound for the freight, which, in point of payment, is preferred before all other debts to which the goods so laden are liable, although such debts, as to time, were precedent to the freight, for the goods remain, as it were, *bailed* to the master for the freight, nor can they be attached in his hands. But in the same manner as the goods are responsible to the ship for hire, so is the ship answerable to the owner of the goods in case of damage or waste through defect of the vessel, want of sailors, &c.

What is meant by a trading voyage.

A trading voyage is, when a ship is freighted from one port to another, and thence to a third, a fourth, and home to the port whence he first sailed: this is considered as but *one* voyage, but it must be performed conformably with the agreement or charter-party.

Having given the above definition, we shall proceed by enumerating the several descriptions of freight, with the principles upon which they are supported; after which the principal regulations relative to charter-party; and conclude with demurrage.

The usual descriptions of freight are as follow, viz. freight by the ton, or parcels, freight by the great, freight by the month, freight for the voyage out, freight out and home, freight for passengers, freight for cattle, freight for wine when it has leaked, &c.

If a ship be freighted by the ton, and she is full laden according to the charter-party, freight is to be paid for her whole tonnage, otherwise only for so many tons as the lading amounted to. Freight by the ton or parcels.

If a ship be named to be of a certain burthen, and shall be found less, the number of tons actually laden on board shall only be paid for.

If the burthen be expressed to be two hundred tons, or *thereabouts*, the addition of the word *thereabouts* is usually estimated within five tons more or less.

If a ship freighted by the ton or parcels be cast away, and part thereof saved from the wreck, questions have arisen whether freight should not be paid *pro rata*.

If a ship be freighted by the great, and her burthen is not expressed, the sum certain shall nevertheless be paid; and if a burthen be expressed, and the ship be found not to amount to that burthen, the sum certain shall also be paid; and if a ship freighted by the great is cast away, the freight is lost. Freight by the great.

In freighting a ship by the month, calendar months are meant; and thus it is always calculated by the merchants of London. Freight by the month.

If a ship be freighted at the rate of 20*l.* for every month that she shall be out, to be paid after arrival at the port of London, and the ship be cast away coming up from the Downs, but



the lading is all preserved, freight becomes due ; for the money arises monthly by the contract, and the place mentioned is only to point out where payment is to be made. The freight moreover becomes due on the *delivery* or bringing up of *the merchandize*, and not on the arrival of the ship.

Freight for the  
voyage out.

If a ship be freighted out, and the master covenants that the ship should sail out of the port to Cadiz with the first fair wind and opportunity, and the freighter covenants that for the freight of all the premises he would pay unto the master 184l.; if the master do not shew that the ship arrived at Cadiz, he cannot recover the freight.

In a contract between a merchant and a master of a ship, that, if he carries the merchants goods to such a port, he will then pay him so much money for freight : if on making such voyage the ship is robbed by pirates, part of her loading lost, and afterwards the remainder brought to the port of discharge, in this case the sum agreed upon for freight is not due, the agreement on the part of the master not having been performed ; and this is a conditional contract. But by the civil law, this is otherwise ; for thereby the same is a danger of the seas, which, if not expressed in marine agreements, is naturally implied ; and here there was no default in the master or his mariners ; and had these goods so carried away by pirates been thrown overboard in stress of weather, it would not have worked a disability in the master to receive the sum agreed upon ; because, both by the common and marine law, the act of God, or of an enemy, shall not work a wrong in actions between individuals, pirates being esteemed in law enemies.

When a ship is freighted *out* and *in* (or *out* and *home*), no freight is due till the whole voyage be performed ; so that if she be cast away coming home, the freight *outwards*, as well as *inwards*, becomes lost. Freight out and home.

If freight be contracted for the transporting of women, and they happen in the voyage to be delivered of children, no freight becomes due for the infants. Freight for passengers.

A master of a ship is not bound to answer freight to the owners for passengers, where it appears they are not able to pay.

If freight be agreed upon for a lading of certain cattle, or the like, from Dublin to West Chester, and some of them happen to die before the ship's arrival, the whole freight is due, as well for the dead as the living : but if the contract be to transport them at so much per head, freight will become due only for such as are living at the port specified for discharge of the ship. Freight for cattle.

If freight be taken for one hundred tons of wine, and twenty of them leak out, so that there is not above eight inches from the bulge upwards, yet the freight becomes due ; but if they be under eight inches, it has been conceived by some that they may be flung up to the master for freight ; yet most think otherwise : for if all had leaked out, if no fault were found in the stowage by survey from the Trinity House, there is no reason the ship should lose her freight, for the freight arises from the tonnage taken : and if the leakage were occasioned through storm, it might perhaps come into an average. Immediately after a storm, a proper examination should be made, and masters of ships ought to make their regular protest. Freight for wine when it has leaked.

Definition of the  
charter party.

The terms of the contract for hiring, or, as it is technically termed, *taking a ship to freight*, when reduced to writing, and executed by the freighter, and the master or owner of the ship, is called the charter-party.

A charter-party is the same in the civil law as an indenture is at common law. It settles the terms upon which the cargo is to be carried, as the bills of lading determine the contents of the cargo ; the masters or owners usually bind themselves, the ship, tackle, and furniture, that the goods put on board or freighted shall be delivered (dangers of the seas excepted), well conditioned, at the place of discharge agreed upon. The master or ship owner generally covenants to provide a sufficiency of tackle and mariners, and to fit the ship in every respect for performing the voyage. The merchant or freighter, on his part, stipulates to pay the money agreed upon for freight on the delivery of the goods : penalties are annexed on both sides for the non-performance.

A charter-party may be made by the master for himself and owners ; in which case the master may release the freighter, without advising with the owners : but if the owners let out to freight the ship, specifying the particular master, then, though the master covenant in the same charter-party, and subscribe it, his release will not bind the owners, although the owners release will include the master.

Factors may enter  
into a charter-party.

So likewise may a factor enter into a charter-party. If a factor freight a ship by order, and for account of another, out and home, and a charter-party is made between him and the master, the factor is liable for all the freight, and performance of all the covenants ; but if

the ship be only freighted outwards, and loaded by the factor, the goods shipped, are alone liable for the freight, and no demand can be made on the freighter, by virtue of the charter-party; but the consignee of the goods is to pay the freight according to the bills of lading.

If, by the time appointed in the charter-party, the freighter is not ready to load, the parties are at liberty; and the party injured has his remedy by action for damages.

If part of the lading be on board, and some intervening accident prevent the merchant from shipping the whole in time, the master is at liberty to contract with another, and shall have freight, by way of damage, for the time that these goods were on board after that limited. For any failure after complete loading will end the contract, unless afterwards *affirmed by consent*. And though it be not prudent for a merchant or master to depart from the contract on every non-compliance with the terms, yet it is but justice that, under such circumstances, ships and masters should remain free: for otherwise by the bare lading of a single bale, the opportunity of a passage might be lost, and the season of the year might prevent the voyage.

If goods are fully laden on board, and the ship hath *broken ground*, and the merchant again unloads them, according to the *marine law*, freight is notwithstanding due. Where no freight was to be paid for the cargo *outwards*, but freight for the cargo *homewards*, and the freighter's factor abroad had no goods to load on board, her freight was decreed.

If a ship be freighted out and home, and deliver her cargo at the place agreed on;

or if a ship be freighted to go to any place to load, and arrive there, and the freighter's factor cannot, or will not, put any thing on board, the master must stay the days of demurrage agreed upon by the charter-party, and make a regular protest for the non compliance of his freighter, who will in this case be obliged to pay him, empty or full ; though, should the master not wait the time stipulated, or omit to make his protest, he will lose his freight. If the master, on his finding no goods provided, should load some on his own account, such as salt, &c. this will be no bar to his recovering his freight ; but if the master take in such salt, &c. on his own account, before the days of demurrage are expired, and that, by some condition with the freighter, he may still claim freight, in such case the freighter is to have the benefit of the salt in deduction of such freight.

If a freighter, by loading prohibited or unlawful goods, occasion the detention of the ship, or otherwise impede the voyage, he will have to pay the freight agreed for.

Performance of  
the charter-  
party by the  
master or own-  
er.

If, by the time appointed in the charter-party, the ship is not ready to take in, the parties are at liberty, and the party injured will recover damages.

If part of the goods be on board, and some intervening misfortune should prevent the remainder from being shipped, the merchant may ship them on board another, discharge the first, and recover damages against the master or owner for the rest.

If the ship in her voyage becomes unable without the master's fault, or that the master or ship be arrested by any foreign prince or state in her voyage, the master may either *mend his*

*ship or freight another* ; but if the merchant will not consent thereto, then the freight becomes due for so much as the ship hath earned ; otherwise the master is liable for all damages that shall happen ; and therefore, if that ship to which the goods were translated perish, the master shall answer ; but if both the ships perish, then he is discharged : but in case of extreme necessity, as that the ship would be in a sinking condition, and an empty ship is passing by, or at hand, he may translate the goods ; but if that ship sinks or perishes, he is there excused ; but then it must be apparent that this seemed *probable* and *sufficient*.

If a master weigh anchor, and sail after the time covenanted or agreed for his departure, if any damage happens at sea after that time, he shall refund, and make good all such misfortune ; yet if a charter-party be made, that the plaintiff shall sail from London to Lisbon, with the first wind and opportunity, &c. in consideration of which, the merchant did not covenant to pay so much for freight, and the ship departs not with the first wind and opportunity, yet afterwards breaks ground, and arrives at her port, the freight in this case becomes due, and there is nothing can debar the ship of her freight but non-departure, for only that in law is material to avoid the payment of the freight ; but to say the ship did not depart with the next wind, is but a circumstance which in strictness of law is not necessary to be denied.

If it be agreed that the master shall sail from London to Leghorn in two months, and freight accordingly is agreed on, if he begins the voyage within two months, though he does not

arrive at Leghorn within the time, the freight becomes due.

The East India Company might by charter-party keep a ship they had freighted a long time in India, and did so keep her, till she was unfit for service, and could not come home. They were obliged in chancery to pay the damage, though by the charter-party it was payable at the return of the ship,

If a master lets out his ship, and afterwards secretly takes in other goods, unknown to the first freighter, by law marine he loses his freight ; and if it should so fall out that any of the freighter's goods should, for safety of the ship, be cast overboard, the rest shall not become subject to average, but the master shall make the damage good ; though if the goods be brought into the ship secretly, and unknown to him, it is otherwise ; and goods so brought in may be subject to what freight the master shall think fit.

When a ship puts into any other port than that she was bound to by agreement, the master shall answer all damages that shall accrue thereby ; but if she was forced in by storm, enemies, or pirates, he must afterwards proceed to that he was obliged to by contract.

If a ship in her voyage happens to be taken by an enemy, and afterwards is retaken by another ship in amity, and restitution is made, and she proceeds on in her voyage, the contract is not determined, though the taking by the enemy divested the property out of the owners ; yet by the law of war that possession was defeasible, and being recovered in battle afterwards, the owners became re-invested ; so the contract,

by fiction of law, became as if she had never been taken, and the entire freight becomes due.

It was covenanted by a charter-party, that a ship should return by a certain time within the River Thames (the danger of the sea excepted), and afterwards in the voyage, and within the time of the return, she was taken upon the sea by enemies unknown to the covenantor; and being detained by them, could not return within the time mentioned by the covenant. *Resolved*, This impediment was within the exception; for these words intend as well any danger upon the sea by pirates, or men of war, as dangers of the sea by shipwreck, tempest, &c.

• If, before the departure of the ship, there should happen an embargo, occasioned by war, reprisals, or otherwise, with the country to which the ship is bound, so that she cannot proceed on her voyage, the charter-party shall be dissolved, without damages or charges to either party; and the merchant shall pay the charges of unlading his goods; but if the restraint arises from a difference between the parties themselves, the charter-party shall still remain valid in all points.

How far a charter-party will be affected by an embargo.

If the ports be only shut, and the vessels stopped for a time, the charter-party shall still be valid, and the master shall be reciprocally obliged to wait the opening of the ports and the liberty of the ships, without any pretensions for damages on either side.

However the merchant, at his own charges, may unlade his goods during shutting up of the port, upon condition either to relade them, or indemnify the master.



**Demurrage.**

Demurrage is an allowance made to the master of a ship by his freighters, for staying longer in a place than the time first appointed for his departure, and is generally inserted in the charter-party to be paid daily, as it becomes due : the days are always limited ; so that on the expiration thereof, and protests duly made, the master is at liberty to proceed.

**Bills of lading.**

A bill of lading \* is an account of the goods shipped by the merchant or factor delivered on board the vessel, and ought to be signed by the master within twenty-four hours after delivery of the goods.

The difference between a bill of lading and a charter-party is, that the first is required and given for a single article, or more, laden on board a ship that has sundry merchandize shipped on sundry accounts—but a charter-party is a contract for the whole ship.

\* FORM OF A BILL OF LADING, pursuant to a recent alteration made by the ship-owners of London.

A. B. Shipped in good order by L. M. merchant, in and upon the good ship called ———, whereof C. D. is master, now riding at anchor in the River Thames, and bound for Alicant, in Spain, ten bales, containing fifty pieces of broad cloth, marked and numbered as per margin, and are to be delivered in the like good order and condition at Alicant aforesaid (*the act of God, the King's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation, of whatever nature and kind soever, save risk of boats, so far as ships are liable thereto, excepted*), unto F. G. merchant there, or to his assigns, he or they paying for the said goods per piece for freight, with primage and average accustomed. Inwitness whereof I, the said master of the said ship, have affirmed to three bills of lading of this tenor and date ; the one of which bills being accomplished, the other two to stand void. And so God send the good ship to her designed port in safety. Amen.

Dated at London

Upon delivering the goods on board the vessel, the master, or any person officiating for him during his absence, may give a receipt for them, which is to be delivered up upon the master's signing the bill of lading.

When the goods are delivered at the port of destination, giving up the bill of lading to the shippers, factors, or assigns, will be a sufficient discharge ; but the master may insist on a receipt.

## Greenwich Hospital.

**T**HIS noble structure, at once a monument of national genius, grandeur, and munificence, was founded in 1694, by King William and Queen Mary. It is delightfully situated upon the southern banks of the Thames, elevated on a Terrace about eight hundred and sixty-five feet in length towards the river, and consists of four distinct piles of building, distinguished by the names of *King Charles's*, *Queen Anne's*, *King William's*, and *Queen Mary's*. The interval between the two most northern buildings, viz. King Charles's and Queen Anne's, forms the grand square, which is about two hundred and seventy-three feet wide.

But it is more within the scope of the present work to detail the most interesting particulars of information relative to the internal regulation of this institution, than to describe or enumerate the various beauties of the edifice; at the same time we may be allowed to remark, that for beauty, solidity, and magnificence, this building, if it has been any where equalled, is no where surpassed.

For the information of those who may be more immediately concerned, as entitled to the benefits of the Hospital, the particulars relative to pensioners, their mode of admission, allowance of provisions, pocket-money, and cloathing to the pensioners, out pensioners, mode of admission, nurses, infirmary, and school, will be given in the order in which they occur.

The following is the present establishment of officers ;

## PRESENT ESTABLISHMENT OF OFFICERS.

|                                      |  |
|--------------------------------------|--|
| A Master and Governor                | A Surgeon                                |
| A Lieutenant-Governor                | A Clerk of the Checque                   |
| Four Captains                        | A Surveyor                               |
| Eight Lieutenants                    | A Clerk of the Works                     |
| A Treasurer and Receiver-<br>General | A Dispenser                              |
| A Secretary                          | Three Matrons                            |
| An Auditor                           | A Schoolmaster                           |
| Two Chaplains                        | An Organist                              |
| A Physician                          | A Butler                                 |
| A Steward                            | Several Clerks, Under Offi-<br>cers, &c. |

## OF PENSIONERS,

The number of pensioners now maintained in the Hospital is two thousand three hundred and fifty. Every boatswain is allowed 2s. 6d. ; every mate, 1s. 6d. ; and every private man, 1s. per week pocket money.

They are also allowed, in the space of two years, a suit of blue clothes, a hat, three pair of blue yarn hose, three pair of shoes, and four shirts. Their diet consists of one loaf of bread of sixteen ounces, and two quarts of beer, per day. One pound of mutton on Sunday and Tuesday ; one pound of beef on Monday, Thursday, and Saturday ; pease soup, cheese, and butter, on Wednesday and Friday.

TABLE of ALLOWANCE of PROVISIONS, POCKET-MONEY, and CLOTHES, to the PENSIONERS  
of GREENWICH HOSPITAL.

|           | Bread.    | Beer.     | Ref.      | Mutton.   |                                   | Pocket Money per Week.    | Clothes every Two Years.         |
|-----------|-----------|-----------|-----------|-----------|-----------------------------------|---------------------------|----------------------------------|
| SUNDAY    | 1 lb. av. | 2 Quarts. | —         | 1 lb. av. |                                   | Boatswain<br>s. d.<br>2 6 | One Suit of Blue.                |
| MONDAY    | Ditto     | Ditto     | 1 lb. av. | —         |                                   | Mate<br>— 1 6             | One Hat.                         |
| TUESDAY   | Ditto     | Ditto     | —         | 1 lb.     |                                   | Private<br>— 1 0          | Three Pair of Shoes.             |
| WEDNESDAY | Ditto     | Ditto     | —         | —         | Pease Soup,<br>Cheese and Butter. |                           | Three Pair of Blue Yarn<br>Hose. |
| THURSDAY  | Ditto     | Ditto     | 1 lb.     | —         |                                   |                           | Four Shirts.                     |
| FRIDAY    | Ditto     | Ditto     | —         | —         | Pease Soup,<br>Cheese and Butter. |                           |                                  |
| SATURDAY  | Ditto     | Ditto     | 1 lb.     | —         |                                   |                           |                                  |

## MODE OF APPLYING FOR ADMISSION.

Persons desirous to be admitted pensioners are to apply at the Admiralty Office at least ten days before the day of examination (the days at present appointed for that purpose are the first Thursdays in January, April, July, and October), where they receive letters directed to the proper officer at the Navy Office, for certificates of their time of service in the navy; which certificates are sent to the Admiralty before the day of examination, when the candidates are examined by the Board (the surgeon of the Hospital attending), and those who are found to be proper objects are minuted to be sent to the Hospital, and as vacancies happen are sent accordingly.

## OF OUT-PENSIONERS.

There are an indefinite number of these, who receive 7*l.* *per annum*, and are appointed in the same manner as those before-mentioned. After they are appointed, they are to take their warrants to the Treasurer's Office in the Hospital, where a ticket is delivered to them, by which they are empowered to receive their pension, by quarterly payments, either on the spot, or, if residing at any great distance, from collectors of the customs or excise, in consequence of certificates signed and transmitted by the treasurer, and attested by the steward or clerk of the cheque.

## NURSES.

The number of these is one hundred and forty-seven, who must all be *widows of seamen*, and under the age of forty-five at the time of admission. They are required to take out certificates of their husband's service in the navy, in the same mode as the pensioners, and produce certificates of their age and marriage to the Board of Admiralty (on the day of examination), by whom they are appointed.

## BOYS.

This establishment (consisting of one hundred and fifty), which is intended for the maintenance and education of sons of seamen, is solely under the management of the Directors, who nominate the boys in rotation. Previous to their admission, the following particulars must be proved by proper certificates, viz.

*That they are the sons of seamen.*

*Between eleven and thirteen years of age.*

*Objects of charity.*

*Of sound body and mind, and able to read.*

The school-room is capable of containing two hundred boys, who are educated in reading, writing, and navigation, and after three years residence at the Hospital are bound out for seven years to the sea service only.

## THE INFIRMARY.

This is a capacious building, divided into two principal parts ; one for the patients under the care of the physician, and the other for those whose cases require the attendance of a surgeon.

Each part is two stories in height, containing a double row of rooms, being altogether in number sixty-four, calculated to hold two hundred and fifty-six patients ; each room has a chimney-place, with an aperture near the ceiling, for the purpose of ventilating, and will accommodate four patients.

In the fore-part of this building, consisting of the physician's division, is the hall ; opposite to it, in the back part which belongs to the surgeon, is the kitchen ; and in the upper story is a small chapel, where prayers are read

by the chaplains twice a week, for the benefit of the patients.

Other parts of this building comprize the dispensary and surgery, and apartments for the physician, for the surgeon, and dispenser, with their respective assistants, and for the matron ; and adjacent within the walls are hot and cold baths.

Such are the provisions which the Legislature, the genuine organ of a country grateful to her brave defenders, has established for their comfort and accommodation ; and this superb and hospitable structure bears splendid testimony to surrounding nations that Great Britain is not more pre-eminently distinguished for her naval triumphs than for a grateful attention to those intrepid seamen by whom those triumphs have been achieved.

Not like the mariner of other countries, poorly provided, and coldly dismissed when his services are no longer wanted, or, if disabled, abandoned to sickness and beggary ; the British Seaman is not only liberally provided while in actual service, but when disabled or superannuated, food, clothing, medicine, every necessary accommodation and comfort, including even the education of his children, are here provided by the Government.

—————HIC REQUIES SENECTÆ  
HIC MODUS LASSO MARIS ET VIARUM  
*Militiæque.*

—————*Fessos tuto placidissima portu accipit.*

But not to the Government alone is this kind and grateful attention exclusively confined ; the country at large, with laudable and generous emulation, rivals the Legislature, and independent of the ample bounties paid upon entering the service, immense subscriptions have been



at various times received for the relief of the wounded, and the relatives of the killed. In this reign of frequent triumph—of unparalleled naval achievement—a victory is no sooner announced than the widows and children of the slain excites the first and universal sympathy—a subscription is instantly opened, and the most opulent merchants and citizens of the metropolis set a liberal example, which rapidly spreads throughout the realm.

It is from these circumstances that Great Britain is—**WHAT SHE IS**—and whilst covering the oppressed beneath her shield, brandishes her righteous spear against those mad destroyers who have desolated defenceless countries, and so long “frighted Europe from her propriety.” What is the powerful cause that the British forces volunteer at the first call wherever their services are required?—The encouragement they receive, the estimation they are held in by Government and their countrymen.—Not like the herd of hand-cuffed conscripts, lingering in reluctant march, or goaded on by the point of the bayonet to join an army banded for plunder, and whose “progress has been tracked by desolation”—the patriot legions of Great Britain fly at the first call to assert the cause of suffering humanity; assured that falling, posterity will be just to their fame, and if wounded or disabled, their munificent country has appointed no less than a **PALACE** for their reception.

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By an act, intituled, “*An Act for the Increase and Encouragement of Seamen,*”

8 Will. 3.  
c. 21. s. 10.

Every seaman, whether in the king's or merchant service, shall pay 6d. a month to Greenwich Hospital.

Parish boys bound apprentices to sea are exempted till eighteen years of age from paying the 6d. a month to Greenwich Hospital.

2 & 3 Anne,  
c. 6. f. 7.

Upon vacancies, the admiralty may appoint disabled seamen, or their wives or children, and the widows and children of seamen, slain, killed, or drowned in the sea service, to be maintained in the Hospital.

Wives and children of seamen killed, &c. may be maintained by Greenwich Hospital.  
Sect. 19.

Every master or owner navigating in his own ship or vessel, whether employed on the high seas, coast, or harbour, shall pay the said 6d. a month for every seaman on board his ship, and deduct it out of their wages.

Masters to pay the 6d. per month for every seaman to Greenwich Hospital.  
10 Anne, c. 17.  
f. 1, 2.

The admiralty may appoint receivers, who may depute the collectors and other officers of the customs to receive this duty, to whom the admiralty are to allow what they think reasonable, out of the said duties, for their trouble.

Admiralty may appoint receivers, &c. to receive the 6d. per month.  
Sect. 3.

The receivers may summon masters of ships, and examine them on oath, as to the number of their seamen, and time of their service, so as the person so summoned be not obliged to travel above ten miles for the making such appearance.

Receivers may summon and examine masters of ships.  
Sect. 4.

Masters (or in their absence the owners) refusing to appear when so summoned (not having a reasonable excuse), or if they shall appear should refuse to answer such examination upon oath, which the receivers or their deputies are empowered to administer, shall forfeit *twenty pounds*; one half of which to be for the use of the Hospital, and the other to the prosecutor.

Masters, &c. refusing to appear to forfeit 2 l.  
Sect. 4.

Ships attempting to go to sea, without paying the duty for the preceding voyage, may be

Ships may be stopped till payment of the duty.  
Sect. 4.

10 Anne, c. 17. stopped by the receivers or their deputies till the said duty be paid.

On death or removal of masters of ships, a true account of the duty due to, and money to pay the same shall be delivered to the succeeding master. Sect. 4.

On the death, or removal of any master or commander of any ship, the owners shall deliver to the succeeding master a true account of the said duty due, and money sufficient for the payment of the same, to the receivers thereof; and in default thereof, such receivers, or their deputies, may stop the ship from proceeding to sea till the said duties shall be paid.

Quaker's affirmation to be accepted instead of an oath. Sect. 5.

In all cases where an oath is required, the solemn affirmation or declaration of the people called quakers shall be accepted; and if such quaker should refuse to make such affirmation, in any case where another person is required to take an oath, he shall forfeit and be subject to the like penalties as the other person refusing to take an oath; and in case any such quaker shall affirm or declare any matter which shall be false, or if any other person shall make a false oath, he or they shall suffer the fines and punishments of persons convicted of wilful perjury.

Sect. 6.

No contracts by seamen, concerning the time of being paid their wages, to obstruct the payment of the duty.

Seamen, though not in the royal navy, may be admitted. Sect. 20. cct. 21.

Any seaman (though not in the royal navy) disabled in defending a ship belonging to the king's subjects, or in taking a ship of an enemy, may be admitted into the Hospital.

If any ship not of the navy fastens to the queen's moorings, the master shall forfeit 10*l.* for every tide he stays, unless necessitated by stress of weather, or other unavoidable accident; one moiety to Greenwich Hospital.

Seamen (though not in the royal navy) maimed in fight with pirates, to be rewarded, and admitted into Greenwich Hospital, preferable to seamen disabled from service, or getting a livelihood merely by their age.

Seamen maimed in fight with pirates to be admitted.

8 Geo. 1. c. 24. f. 3.

The duties of 6d. per month to Greenwich Hospital to be paid by all vessels belonging to Jersey, Guernsey, Alderney, Sark, and Man, and within all and every of his majesty's colonies, islands, and dominions.

The duty of 6d. per month to be paid within all his majesty's dominions.

2 Geo. 2. c. 7. f. 1.

Receivers of the said duties to appoint collectors in the ports of the said islands, colonies, &c.

Secl. 2.

The said collectors may summon and examine masters or owners of ships belonging to such ports, upon oath, in the same manner as the receivers of the said duty summon and examine masters of ships in Great Britain or Ireland.

Collectors on the islands, colonies, &c. may examine masters of vessels upon oath relative to the duty.

Secl. 3.

Such masters or owners, refusing to appear or answer on appearance, shall forfeit 20l. lawful money of Great Britain, or the value thereof in the money of the said islands, colonies, or dominions.

Masters refusing to appear when summoned to forfeit 20l.

Secl. 3.

Traders from the islands and colonies to Great Britain or Ireland, shall pay what is due on their arrival, and the other part at their return to such islands, colonies, &c. Traders from Great Britain to pay only at home.

When duties to be paid.

Secl. 4.

Masters of merchant ships hired by the Navy, or other public offices, may be summoned and examined by the receivers; and on refusing to be examined shall forfeit 20l.

Masters of merchant ships hired for the navy may be examined.

Secl. 5.

Secretaries of the navy to give the receiver a list of ships, men, &c. employed to the receivers.—2 Geo. 2. c. 7. f. 6.

Secretaries of the Navy, and other public offices, to give to the receivers at London a list of ships, and number of their men, employed in their service.

Treasurers of the navy not to pay wages to master of any ship until he produce an acquittance from the duty.

The treasurer of the Navy, or other public officer, is not to pay wages to a master of a ship till he produce an acquittance from the receiver that he has paid the duty of 6d. a month, and is not more than thirty days in arrear.

2 Geo. 2. c. 7. f. 6.

Masters of ships to pay duty before they are cleared inwards. 2 Geo. 2. c. 7. f. 7.

Masters of ships to pay the duty before they are cleared inwards, in any port in Great Britain, Ireland, or any of his majesty's islands, colonies, dominions, &c. ; and no officer belonging to the customs shall suffer any ship to go out of any of the ports above-mentioned, until the master or owner produce an acquittance from the receivers, or their deputies, that the said commander or owner has paid the said duty, and that he is no more than thirty days in arrear to the said hospital. Masters, &c. refusing or neglecting to pay the said duty of 6d. per month within the time limited, shall forfeit 20l. if the forfeiture be incurred in Great Britain or Ireland, or to that amount in the money of the island, &c. where the same shall be incurred.

Masters of ships not paying the duty forfeit 20l.

Sec. 8.

Quakers affirmation to be taken instead of an oath.

Sec. 9.

Forfeitures incurred by this act, one moiety to Greenwich Hospital.

This duty extended to officers and seamen in privateers.

Officers and seamen in privateers or ships having letters of marque, to pay 6d. a month to Greenwich Hospital.

18 Geo. 2. c. 31. f. 1.

Commanders or owners of privateers, &c. to detain the same, out of wages or shares of prizes, and pay it over to the receiver appointed by the admiralty.

Commander or owner to detain it out of wages or shares. &c.  
13 Geo. 2. c. 31.  
f. 2.

Commanders, before sailing from any port, shall give the collectors of the customs a list of his men, and shall deliver upon oath to the collector of the port where he arrives, with an account of those wanting, under penalty of 50l. One moiety to the said Hospital.

Commander before sailing shall give the collector a list of his men.  
Sect. 3.

The receivers of the duty may examine commanders or owners of privateers or letters of marque, as to the number of their men and time of service.

Receivers may summon commanders or owners.  
Sect. 4.

50l. Penalty for refusing to appear or answer to the examination ; one moiety thereof to the Hospital.

Sect. 5.

The receivers may stop privateers and letters of marque from going to sea till the duty is paid.

Sect. 6.

Persons belonging to any of his majesty's ships of war, or to any merchant ship, employed in his majesty's service, running or withdrawing themselves from the ship by which any prizes shall have been taken, shall have any claim, interest, or share, in such prizes, or bounty money given by 13 Geo. 3. c. 40. or any part thereof, but such shares of such prizes and bounty money shall be paid to Greenwich Hospital.

Run men forfeit their prize money to Greenwich Hospital.  
\* 20 Geo. 2.  
c. 24. f. 1.

\* In the quarto edition of the statutes relating to the admiralty, it is queried, how much of the statute remained in force at the end of the war with Spain and France, 1748.—It does not appear from the researches made by the editor of this work, that this act has been expressly repealed, although the seventh and eighth and some other clauses relative to agents accounting with the treasurer of Greenwich Hospital, &c. have been re enacted *verbatim* by 33 Geo. 3. c. 66. although no notice is taken of this act by 20 Geo. 2. c. 24.

Sales of prize  
money void.  
20 Geo. 2. c. 24.

For preventing impositions on seamen, mariners, and soldiers, and thereby encouraging them to quit and leave their ships, all bargains, sales, bills of sale, contract, agreement, and assignment whatsoever, for shares of prizes, shall be void.

Agents to ac-  
count to the  
treasurer of  
Greenwich Hos-  
pital.  
Sect. 7.  
33 Geo. 3. c. 66.

Agents disposing of prizes shall, within the space of three calendar months next after the day appointed for the first payment or distribution of prizes, make out, transmit, and deliver, unto the treasurer of Greenwich Hospital, or such person as he shall appoint, a true state and account in writing of the produce of such prizes, with an account of the payments of the several shares to the captors as shall then have been really paid; and also a true state of the bills for the bounty: and agents selling prizes shall, within three years, make out in writing an exact account of the produce of such prizes, bills for bounty, and payment of the several shares to the respective captors, to the treasurer, or his deputy, upon oath; and at the same time such agent shall deliver the said accounts so attested upon oath, together with all such remaining sums then so left, taking from the treasurer or his agent their acquittance for the same.

Penalty.  
Sect. 8.  
33 Geo. 3. c. 66.

Agents neglecting to deliver accounts as aforesaid to forfeit 100*l.* over and above the money which shall then remain in the hands of any such agent; one third to his majesty, and the other two-thirds to Greenwich Hospital.

Agents collu-  
sively balancing  
accounts to for-  
feit 100*l.*  
33 Geo. 3. c. 66.

Agents guilty of collusion or deceit in making or balancing such accounts, their aiders and abettors, shall forfeit, over and above the penalties and punishments inflicted by for-

mer acts, 100l. ; one-third to his majesty, and the remaining two-thirds to Greenwich Hospital. 20 Geo. 2. c. 24.

Registers in the court of admiralty in America, or elsewhere in any other of his majesty's dominions, shall annually transcribe and transmit copies of such letters of attorney as shall be registered, in the said court, to which the judges shall affix their seals, and transmit the same to the treasurer, to be there registered and inspected *gratis* ; the charges of sealing and transmitting the same to be paid by the agents at the time of making such registry.—Registers refusing to transcribe and transmit such copies of the said letters of attorney, to forfeit 500l. Registers of court of admiralty in America, &c., to send copies to Greenwich Hospital. Sect. 13.

Copies of such letters of attorney, and transcripts, under seal, registered by the treasurer of Greenwich Hospital, shall be good evidence of the agency of the person to whom such letter of attorney shall be made \*. Copies of letters of attorney, &c. evidence. Sect. 14.

Penalty of 5l. for taking to pawn, buying, &c. the clothes, linen, or other goods of the Hospital, from the pensioners or nurses ; or causing the colour to be changed, or marks defaced. Penalty of taking to pawn, &c. the clothes &c. of Greenwich Hospital. Sect. 16.

Offender not able to pay the penalty to be committed for three months, or whipped. Ibid.

A pensioner or nurse running away with clothes, linen, or other goods, to be committed for six months. Ibid.

Governors of Greenwich Hospital may grant out-pensions to seamen worn out and become infirm or decrepid. 3 Geo. 3. c. 16. f. 1.

\* This and the preceding clauses are re-enacted *verbatim* by the 33 Geo. 3. c. 66. sections 51, 52, 53.



3 Geo. 3. c. 36.  
f. 2.

All assignments, bargains, or contracts whatsoever, of pay, made by out-pensioners, to be null and void.

The owner to make out and transmit duplicates of out-pensions to the receiver of the land tax, collector of the excise, or clerk of the cheque, who are to pay the out-pensions upon proof of the personal identity.  
Sect. 3.

The treasurer of the Hospital to make out duplicates of the out-pensions, made payable to such out-pensioner by the receiver-general of the land-tax, collector of the customs, collector of the excise, or clerk of the cheque respectively, according to the appointment in such bills, numbered and dated and to be signed by the said treasurer, or his first clerk, and attested by the steward or clerk of the cheque of the said Hospital; which duplicates being cut asunder, one of the bills to be sent to the person nominated therein, and the other to the said receiver-general of the land-tax, collector of the customs or excise, or clerk of the cheque, on whom they are drawn, who, upon the duplicates being produced, together with a certificate, under the hands of the minister and churchwarden, that the person is, to the best of their knowledge and belief, the same mentioned or named in the bill, and upon oath of the person producing the said bill, which oath they are authorized to administer, shall immediately pay to such out-pensioner, without fee or reward, the amount of the bill \*.

Sect. 6.

Personating out-pensioners, in order to receive their pensions, is declared felony without benefit of clergy.

Shares of run men, and shares unclaimed, to be forfeited to Greenwich Hospital.  
33 Geo. 3. c. 66.  
f. 6.

The shares of all officers and seamen who shall be marked run, and all shares not legally demanded within three years after the same shall have been paid into Greenwich Hospital, shall be forfeited to the said Hospital; unless

\* Prize Act, 33 Geo. 3. c. 66. f. 6a.

the mark run shall be taken off, or reasonable cause shewn to, and allowed by, the governors of the said Hospital, or judge of the admiralty. 33 Geo. 3. c. 66.

Captains of men of war wilfully deserting their convoy in pursuit of any ships of the enemy ; or having captured a prize, for the purpose of carrying such prize into port ; or commanders of ships having on board his majesty's dispatches, sailing out of their course, with a view of making prize of any ships of the enemy ; such commander, if convicted thereof by a court martial, shall forfeit his share of every such prize to his majesty, for the use of Greenwich Hospital. Captains deserting convoys to take prizes, so forfeit their shares to Greenwich Hospital. Sect. 7.

If any commander, officer, seaman, mariner, soldier, or others, shall break bulk on board, or embezzle any of the money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, belonging to any prize, he shall, for every such offence, forfeit his whole share therein to Greenwich Hospital, and treble the value of such articles as he shall embezzle; one-third to the use of Greenwich Hospital, and the other two-thirds to such person as may sue for the same. Commanders breaking bulk, or embezzling property on board prizes, so forfeit their shares to Greenwich Hospital. Sect. 46.

Registers of the court of admiralty are to transmit annually to the treasurer of Greenwich Hospital copies of all letters of attorney registered in their courts, under penalty of 500*l*.—Expence of such copies to be paid by the agents.

By the sixty-eighth and sixty-ninth sections, the penalties inflicted by this act not particularly disposed of shall be applied, one moiety to the informer, and the other to Greenwich Hos-

33 Geo. 3. c. 66. pital. And all penalties may be sued for in the name of the commissioners.

The clauses relative to the duty of agents in transmitting accounts of prizes taken abroad to Greenwich Hospital ; penalties on neglecting to deliver these accounts ; delivering false accounts, &c. ; will be found detailed more at large under the head PRIZES, in the act 33 Geo. 3. c. 66. which has reduced all the former laws and regulations respecting prizes to a complete system, easy to be understood, and as easily to be applied.

37 Geo. 3 c. 105. Shares of prizes taken during the hostilities  
 l. 12. mentioned by 19 Geo. 3. c. 67. 20 Geo. 3. c. 33. and 21 Geo. 3. c. 15. jointly by sea and land forces, belonging to sailors who have run, and shares not demanded within three years from notification of distribution, to be paid for the use of Greenwich Hospital \*.

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THE following, as not unconnected with the present head, is subjoined, as it may convey information to the parties concerned, and there is no other subsequent head of this work where it could with so much propriety be noticed.

### GRATUITIES.

*To the Relations of Officers and others slain in Fight.*

*To a WIDOW, a full year's pay, according to the post her husband served in at his death.*

\* See PRIZES, SEAMEN, &c.

ORPHANS, each the one-third proportion of a widow; and posthumous children are esteemed orphans.

Orphans married are not entitled to the bounty.

If there be no widow, a mother (if a widow and above fifty years of age) is entitled to a widow's share.

The relations of officers of fire-ships are entitled to the same bounty as those officers of like in fourth rates.

Captains are to set down the names of the slain at the end of the muster-books, and on what occasion.

This bounty extends unto those who are slain in tenders, in boats, or on shore, as well as to those on board the ships; also to those who are slain in fight with pirates, or in any encounter with the ships of friends by mistake; also those who die of their wounds after battle; are all esteemed as persons slain.

*To Officers wounded in fight with the Enemy, and to Officers hurt in the Service:*

If an officer receives a wound that shall occasion the loss of an eye or a limb, or the total loss of the use of a limb, or that (upon certificate from the Surgeon's Company in London) shall in effect be of equal prejudice to the habit of the body with the loss of a limb, he shall receive one full year's pay, and shall be allowed such expences relating the cure (if not performed at his majesty's expence) as shall be certified reasonable by the said Company; he shall also continue in pay during the time of his cure.

With respect to the year's gratuity, ships under the third rate are to be esteemed as such.

Volunteers are also entitled to the same bounty as lieutenants.

If the wounds received do not amount to the loss of a limb, equal prejudice to the body, the charges of cure are only allowed, and the continuance of pay as aforesaid.

Under the term wounded in fight is comprehended all the several cases relating to those slain in fight ; and those so wounded are paid the gratuity, &c. on application to the Navy Board.

Inferior officers or seamen hurt, maimed, or disabled in the service by certificate signed by the captain, lieutenant, master, surgeon, and one or more warrant officers of the ship, expressing the nature of the hurt, &c. are entitled to the benefit of the chest at Chatham, according to the rules and constitutions thereof.

#### *Of Pensions to superannuated Officers.*

Boatswains, gunners, carpenters, purfers, and cooks (whose employments are constant), must serve full fifteen years ; masters and surgeons (whose employments are constant) eight years in their respective offices, before they are entitled to superannuation.

Officers applying for superannuation are to be examined by the physicians of the sick and wounded (or in default of that commission by the physician of Greenwich Hospital), in conjunction with the Surgeon's Company, who are to report their opinion (in writing) of their incapacity to serve his majesty.

Officers whose employments are constant, being admitted to superannuation, receive an annual pension equal to their pay in the ship of the highest rate they have served in.

The pensions of masters are equal to half their pay, and surgeons are allowed the same pensions as masters of equal rates.

Commission officers worn out and disabled in the service are considered as their cases may deserve, and as his majesty may think fit.

## Gunpowder, Combustibles, &c.

**T**HE following acts relative to gunpowder and other combustible matters are regulations of necessary precaution, and were passed in consequence of accidents which had previously happened to prevent further conflagrations in a river so crowded with shipping that it is impossible to calculate, in case of accident, the extent of the mischief which might be occasioned, not only to the shipping, but the city.

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Ships in the Thames not to take in gunpowder.  
5 Geo. 2. c. 20. f. 2.

Ships in the Thames are not to take in gunpowder (except for his majesty's service) above Blackwall, on penalty of 5*l.* for every fifty pound weight.

Sect. 4.

Ships coming into the Thames to land their gunpowder below Blackwall, on penalty of 5*l.* for every fifty pound weight.

Ships guns, &c. not to be fired before sun-rise, or after sun-set, above Blackwall.  
Sect. 4.

No ships guns (except king's ships) to be kept shotted, or fired before sun-rising or after sun-set, above Blackwall, on penalty of 5*s.* for every gun kept shotted, and 10*s.* for every gun so fired.

Pitch, tar, &c. not to be melted.

No pitch, or tar, or other combustible matter, to be melted on board ships above Blackwall, on penalty of 5*l.*

Elder brothers of the Trinity House may inspect ships.  
Sect. 5.

Trinity House may authorize any elder brother to inspect any ships, except king's ships, on penalty of 5*l.* refusing them admittance.

Penalty of 20*s.* a day upon masters of ships mooring at St. Saviour's Dock.  
Sect. 10.

Penalty of 20*s.* a day to be incurred by masters of ships mooring at St. Saviour's Dock, except to load or unload, and except two ships lying at shipwright yard to repair.

By an act to regulate the making, keeping, and carriage of gunpowder, within Great Britain,

No master or commander of any ship lying in the Thames, and outward-bound, shall receive, or permit to be received on board, more than twenty-five pounds of gunpowder (except for the king's service) before the ship's arrival at or below Blackwall; and on coming into the River Thames shall put on shore, in proper places, all the gunpowder on board above the quantity of twenty-five pounds, either before the arrival of the ship at Blackwall, or within twenty-four hours (if the weather shall permit) after coming to an anchor there, on pain of forfeiting, in any of the above cases, all the gunpowder found on board above the weight of twenty-five pounds, and the barrels containing the same, and also two shillings for every pound above the former quantity.

Masters of any ship lying in the Thames not to receive on board more than twenty-five pounds of gunpowder before the ship's arrival at Blackwall.

12 Geo. 3. c. 6.

The masters, wardens, and assistants, of Trinity House, of Deptford Strond, are required to appoint one or more person or persons to search for unlawful quantities of gunpowder in ships or other vessels in the River Thames.



## Harbours.

**I**N consequence of nuisances and obstructions to navigation occasioned by masters and owners of vessels entering ports, roads, channels, or navigable rivers, and throwing out and unlading their ballast on the shore, on the side, or below the usual full sea mark ; a more speedy remedy was required than that usually applied by common law for bringing such offenders to justice. Accordingly an act was passed, intituled,

19 Geo. 2. c. 22. “ An Act for the better Preservation of  
“ Havens, Roads, Channels, and navigable  
“ Rivers, within that Part of Great Britain  
“ called England.”

Masters of ships  
throwing out  
ballast, &c. in  
harbours, &c.  
but upon dry  
land only, jus-  
tices may issue  
warrants, and  
fine not more  
than 5l. nor less  
than 50s.  
Sec. 1.

Masters of ships throwing out any ballast, rubbish, gravel, earth, stone, wreck, or filth, but upon dry land only, where the tide or river never flows or runs, may be apprehended upon warrant from any justice near the place where the offence shall have been committed, who, upon the offence being proved by one or more credible witnesses, may fine such offender any sum not exceeding 5l. nor under 50s.; one moiety to the informer, and the other moiety to the poor of the parish.

Penalties, how  
recoverable,

The penalties inflicted by this act shall be recoverable and levied by distress and sale either of the goods and chattels of the persons convicted, or of the ship, pink, crayer, lighter, keel, boat, or other vessel, or of their tackle, apparel, or furniture ; and for want of sufficient distress, the parties may be committed to the

county gaol, or the house of correction, of the county where such offenders are convicted, for the space of two months, or until payment of the penalties and forfeitures by the act incurred.

Ships being stranded or sunk in harbours, and suffered to remain there, a justice of peace may summon the owner, or commander, or issue out his warrant for having them apprehended and brought before him ; and being found guilty of the offence, upon examination, the justice shall issue his warrant for seizing and removing such ship, with the rigging and tackle : and unless the owner give sufficient security, within five days, to clear the harbour of such vessel and wreck, or parts belonging to the same, and pay the charges of seizing, removing, and disposing of such ship, tackle, or furniture ; then he may cause the same to be sold, and out of the money arising by such sale, pay all the charges and expences ; and should there be any overplus, he is to pay it to the owners of the manor where the same shall happen.

19 Geo. 2. c. 22.

Ships sunk and stranded in an harbour, and permitted to remain there, justices to summon the owner, and upon conviction to issue warrants for removing the ship and tackle ; and unless the owner give security in five days, to make sale.

Secl. 3.

Justices may put this act in execution against any person within their several jurisdictions, although such justice may be rated or assessed, or actually pay for the relief of the poor of any parish town in which any conviction in pursuance of this act shall be pronounced.

Justices to act in their own parish, &c.

Secl. 4.

All convictions pronounced by authority of this act shall be final.

Convictions to be final.

Secl. 5.

Distress not to be sold till after five days ; persons convicted may, before the expiration of the time, redeem such distress.

Distress not to be sold till after five days.

Secl. 6.

Limitation of  
the powers of  
this act.

29 Geo. 2. c. 22  
s. 7.

This act not to extend to take away any rights of lords of manors, or other persons, to the banks, shores, or sides, of any harbour, nor extend to the unloading any vessel with bricks, stone, lime, or other materials used in building or repairing any wharf, bridge, or banks of any harbour, but on the contrary to prevent mischief being done to such harbours which may in any ways tend to obstruct the navigation.

This act not to  
abridge any ju-  
risdiction or re-  
medy to punish  
any nuisances  
committed in  
any navigable  
river  
Sect. 8.

Nothing herein contained shall extend to take away, abridge, diminish, or limit any former or other jurisdiction, or right or remedy, to punish any nuisance to be done or committed in any haven, port, road, channel, or navigable river.

### OBSERVATIONS *relative to SHIPS passing the LIGHTS.*

SHIPS should be careful to note *when* and *where* they make the land, in order to ascertain what *lights* have been passed, and to give an account of the course of the voyage both out and in.

The question being agitated in the court of king's bench, in the year 1790, how far British-built ships, the property of British subjects, are liable to the payment of the several light-house duties, from foreign port to foreign port, not having touched at any place in Great Britain, it was determined that such ships were *not liable*. 3 Term Rep. 768.

No lights are paid by men of war.

The lights to be paid on the respective voyages will appear in the subjoined table.

**LIGHTS to be paid by SHIPS bound to the several PORTS under-mentioned.**

| <i>Ships whither bound.</i>  | <i>Lights to be paid.</i> |
|--|---------------------------|
| These duties are payable for each voyage out and in, and a single passage subjects the master to the payment of all the duties | Eddyftone.                |
|  | Portland.                 |
|  | Caskets.                  |
|  | Lizard.                   |
|  | Scilly.                   |
|  | Milford.                  |
|  | Dudgeon Shoal or Well.    |
|  | Foulness.                 |
|  | Winterton Small.          |
|  | Castor.                   |
| Amsterdam<br>Bremen<br>Embsen<br>Hamburg   | Lowestoffe.               |
|  | Buoyage and Beaconage.    |
|  | St. Nicholas Gatt *.      |
|  |                           |
| Rotterdam  | Harwich.                  |
|  | Orford.                   |
| Norway<br>Dantzic<br>Peterfburg<br>Gottenburg  | St. Nicholas Gatt.        |
|  |                           |
|  | Orford.                   |
|  | Winterton.                |
|  | Harwich.                  |
|  | Well.                     |
| Greenland  | Foulness.                 |
|  | St. Nicholas Gatt.        |
|  |                           |
|  | Spurn.                    |
|  | Tinmouth.                 |

\* All ships are to be rated British and foreign, according to their full burthen, and the masters thereof to pay for every time they pass by these lights, whether laden or empty.

| <i>Ships whither bound.</i>                 | <i>Lights to be paid.</i>            |
|---|--------------------------------------|
| Calais                                      | } Foreland.                          |
| Dunkirk                                     |                                      |
| Middleburg                                  |                                      |
| Ostend                                      |                                      |
| Caen  | } Dungeness<br>and<br>Foreland.      |
| Dieppe                                      |                                      |
| Rouen                                       |                                      |
| St. Valery and Normandy<br>(any part of it) |                                      |
| Havre de Grace                              |                                      |
| Guernsey                                    | } Casket.<br>Dungeness.<br>Foreland. |
| Jersey                                      |                                      |
| Alderney                                    |                                      |
| Belfast                                     | } Milford.<br>Skerries.              |
| Carlingford                                 |                                      |
| Colerain                                    |                                      |
| Drogheda                                    |                                      |
| Dublin                                      |                                      |
| Larone                                      |                                      |
| Londonderry                                 |                                      |
| Newry                                       |                                      |
| Zealand                                     | Foreland.                            |

**Ships bound to Ostend and Dunkirk do not pay Ramsgate Harbour.**

### Hovering.

“ **A** NUMBER of ships of the burthen of fifty tons and under, laden with coffee, tea, cocoa nuts, French wrought silks, prohibited East India goods, pepper and other spices, brandy, spirits, and other customable and prohibited goods, pretending to be bound for foreign parts, frequently lying and **HOVERING** on the coasts of this kingdom, with intent to run the same privately on shore, to the great diminution and loss of the revenue, and ruin of the fair trader; and by reason of the said vessels so hovering, frequent opportunities were found for carrying on the clandestine trade of exporting wool, and other staple commodities prohibited to be transported:” for the better preventing these abuses, it was declared and enacted as follows:

Ships of fifty tons, laden with customable or prohibited goods, hovering on the coasts of this kingdom, within the limits of any port (and not proceeding for foreign parts) may be entered by officers of the customs, who are to take an account of the lading, and to demand and take a security from the master, by his bond to his majesty, in such sum of money as shall be treble the value of such foreign goods then on board, that such ship shall proceed (as soon as wind and weather and the condition of the ship will permit) on her voyage to foreign parts, and shall land the goods in some foreign port; the master refusing to enter into such bond on demand, or having given bond, shall not proceed on such voyage (unless otherwise suffered to make a longer stay by the collector, or other principal officer of such port where the vessel

Ships of fifty tons or under hovering on the coasts, officers may enter and take account of the lading, and demand security.

5 Geo. 1. c. 11. f. 8.

Extended to the coasts of all the king's dominions.

3 Geo. 3. c. 21. f. 9.

Masters, &c. refusing to enter into bond, or not proceeding on his voyage, the foreign goods may be taken out, and secured, and custom paid.

5 Geo. 1. c. 11. shall be, not exceeding twenty days), then, in either of the said cases, all the foreign goods on board may be taken out by any custom-house officers, by direction of the collector, and properly secured ; and if they are customable, the duties shall be paid ; and if prohibited, they shall be forfeited. The officers of the customs may prosecute the same, as also the ship, if liable to condemnation.

6 Geo. 1. c. 21.  
6. 31. Commanders of men of war, and custom-house officers, may compel ships of fifty tons, or under, hovering within two leagues of the shore, to come into port.

Rule to measure the tonnage of ships.  
6 Geo. 1. c. 21.  
f. 33. To prevent disputes that may arise concerning the admeasurement of ships laden with brandy, or other spirits or ships hovering on the coast, the following rule shall be observed : Take the length of the keel, and the breadth within board by the midship beam, from plank to plank, and half the breadth for the depth ; then multiply the length by the breadth, and the product by the depth, and divide the whole by ninety-four, the quotient will give the tonnage ; according to which rule all such ships or vessels shall be measured.

Ships of fifty tons hovering on the coasts of Ireland, officers may enter and take an account of lading.  
Sect. 62. Officers of the customs in Ireland may enter ships of fifty tons or under, hovering on the coast of Ireland, and take security from the master to proceed regularly on his voyage, and land customable or prohibited goods at a foreign port. Master refusing to give bond, or not departing in twenty days, the goods may be secured.

3 Geo. 3. c. 22.  
f. 9. Regulations of hovering ships extended to the coasts of all the British dominions.

Ships under fifty tons from abroad, hovering on the coast, and having twenty pounds of coffee, or goods liable to forfeiture, shall be seized and confiscated. 5 Geo. 3. c. 43. f. 38.

If any ship or vessel shall be found at anchor, or hovering within four leagues of the coasts (unless by distress of weather), having on board foreign spirits, in any vessel or cask which shall not contain sixty gallons at least, or having on board any wine in casks (provided such vessel, having wine on board, shall not exceed sixty tons burthen), or six pounds weight of tea, or twenty pounds weight of coffee, or any goods whatever liable to forfeiture upon importation, then such goods, with the ship and furniture, shall be forfeited—spirits for the use of seamen, not exceeding two gallons per man, excepted. Ships at anchor, or hovering within four leagues of the coast, having goods liable to forfeiture upon importation, shall be forfeited. 24 Geo. 3. c. 47. f. 1.

On proof given that such small quantities were on board without the privity of the owner or master, such vessel shall not be forfeited, if more than one hundred tons burthen. Such vessel, if more than one hundred tons burthen, if such goods were without the

privity of the masters, not to be forfeited.—24 Geo. 3. c. 4. f. 2.

Such goods to be forfeited, and treble their value recovered of the person in whose possession they were found. Seft. 3.

All vessels of the following description, belonging, in the whole or part, to British subjects, found within the limits mentioned in the first section, together with the goods laden on board, furniture, &c. shall be forfeited, viz. cutters, luggers, shallops, or wherries (of what build soever), and all vessels, of any other description, whose bottoms are clench work (unless square rigged, or fitted as sloops with standing bowsprits), and all vessels the length of which is greater than in the proportion of three What description of vessels shall be forfeited under this act. 24 Geo. 3. c. 45. f. 4.



24 Geo. 3. c. 47. feet and a half to one foot in breadth, and likewise all vessels armed for resistance.

Sect. 5. Two carriage guns, of the calibre not exceeding four pounds, and two musquets to every ten men, are allowed to all vessels.

Sect. 6. No vessel arriving from Russia, before the first of December 1784, shall be forfeited on account of her built, or having on board arms or ammunition.

What ships shall not be forfeited on account of their built, &c.  
Sect. 7.

No vessel, from any port of America, or from the East and West Indies, Africa, or the Mediterranean, shall be forfeited for her built, for having spirits, tea, or coffee, on board, or for being armed. Vessels in his majesty's navy, victualling, ordnance, customs, excise, or post office, shall not be forfeited for their built, or for being armed. Such vessels as are licensed shall not be forfeited for their built, or for being armed agreeable to such license. Lighters and barges, used solely in rivers, shall not be forfeited. Ships or vessels, with arms and ammunition regularly entered, and cleared, at any custom-house in his majesty's dominions, as merchandize, or for the use of British garrisons, or for the necessary defence of such ship, by license, shall not be forfeited on account of such arms and ammunition.

Sect. 8. No fee is to be taken for any license granted or registered in pursuance of this act.

Sect. 9. Owners of vessels licensed are to produce their licenses to the proper officer, at the port of exportation, before sailing; and likewise to produce the same to the proper officer at the port of arrival.

What the licence is to specify.  
Sect. 10.

Every license to vessels is to specify the tonnage of each vessel, and describe whether she is

a cutter, lugger, shallop, or wherry ; of what built she is ; who are the owners thereof ; for what place she is about to sail ; the quantity and number, and the sort of arms and ammunition she is licensed to have on board. The owners are likewise to give security in double the value of such vessel, to the satisfaction of the collector, comptroller, or proper officer of the customs, that she shall not be employed in the importation or landing of tea, or any foreign spirits, or any prohibited goods. 24 Geo. 3. c. 47.

Any person maliciously shooting at any ship, vessel, or boat, belonging to his majesty's navy, or in the service of the customs or excise, within the limits of any port of Great Britain, or within four leagues from any part of the coast thereof, or shall shoot at, or dangerously wound, any officer of the navy, customs, or excise, or any of their assistants, acting in the execution of their duty, or within the limits of any port, or within four leagues of any part of the coast of Great Britain, he shall suffer death as a felon. Person maliciously shooting at any boat belonging to the navy, custom-house officer, &c. to suffer death as a felon. Sect. 11.

Any person charged with any offence made felony by this act, and who does not surrender himself, after proclamation made for that purpose, shall be deemed a felon. Persons not surrendering, &c. Sect. 12.

Any person harbouring offenders after the time appointed for their surrender, and being prosecuted within a year after, shall, on conviction, be guilty of felony, and be transported for seven years. Persons harbouring, &c. Sect. 13.

Nothing contained in this act shall be construed to prevent the apprehension of such offenders by the ordinary course of law. Sect. 14.

Punishment of  
persons assault-  
ing custom-  
house officers in  
the execution of  
their duty.

24 Geo. 3 c. 47.  
s. 15.

Any person opposing, obstructing, or assaulting, officers of his majesty's navy, or in the service of the customs or excise, in the execution of their duty, may be carried before a justice, who may commit such person or persons for trial, and, upon conviction, he or they shall be sentenced to hard labour on the River Thames, or to the house of correction, for a term not exceeding three years.

Sect. 16.

By the sixteenth section, the justice may either commit such offenders upon this present act, or upon that of the 19 Geo. 3. c. 69. if their offences fall within the latter.

Sect. 17.

All offences against this act may be tried in any county in England or Wales, in such manner as if the fact had been actually committed within such county.

Sect. 18.

Offences committed in Scotland, or within the limits of any port therein, or within four leagues of the coasts thereof, are to be tried in Scotland.

Sect. 19.

Offenders carried before a justice are not to be admitted to bail, without entering into a recognizance for their appearance, themselves in 200l. and two sureties in 100l. each.

Sect. 20.

This section regards in like manner persons taken before a justice for misdemeanor against the act in Scotland.

Officers of the  
customs to make  
provisions for  
the widows of  
seamen and  
their families.

If any officer or seaman shall be killed, maimed, or wounded, in the due execution of his duty, it shall be lawful for the commissioners of customs and excise respectively to make such provision for them, or for their widows and families, as the lords of the treasury shall, by their warrant, empower them to do.

The commissioners of the customs in England and Scotland are empowered to reward officers, &c. who shall take offenders against this act. 24 Geo. 3. c. 47. s. 22.

If suspected vessels shall not bring to when chased by any cutter, or other vessel, in the service of his majesty's navy, having the proper pendant and ensign of his majesty's ships hoisted, or being in the service of the customs or excise, and having their pendant or ensign hoisted, with such marks thereon as are usual, in a blue field, the commander may shoot into them; and, if he be prosecuted in consequence thereof, he and his aiders shall be admitted to bail. Ships not bringing to may be fired into. Sect. 23.

Vessels not in the service of the navy, customs, or excise, hoisting such pendant, shall forfeit a penalty of 500*l*. Sect. 24.

This section extends the penalties and restrictions relative to certain description of boats contained in the act of the 8 Geo. 1. c. 18. and in 19 Geo. 3. c. 69. viz. to all boats, wherries, pinnaces, barges, galleys, and other vessels, which exceed twenty-eight feet in length from the fore part of the stem to the after side of the stern-post aloft, and the length of which shall be greater than in the proportion of three feet and a half to one foot in breadth; subject nevertheless to the provisos and exceptions in the said acts. Penalties of 8 Geo. 1. c. 18. and 19 Geo. 3. c. 69. extended to other vessels. Sect. 25.

Vessels in ballast, arriving at, or going out from, any port in this kingdom, the masters shall, if called upon make a true report of their ship or vessel, and answer questions that the proper officers may put relative to the voyage, on penalty of 100*l*. No additional fees for such report to be paid by the master. Penalty of refusing to answer questions, &c. Sect. 26.

24 Geo. 3. c. 47.  
f. 27.

Wine imported in any vessel or boat not exceeding sixty tons burthen, shall, together with the vessel and its furniture, &c. be forfeited.

Goods found on  
board not re-  
ported to be for-  
feited.  
Sect. 28.

Masters of ships or vessels reporting any goods, *contents unknown*, for exportation, in the same ship or vessel, such packages, &c. may be examined by the officers; and if any prohibited goods be found therein, they shall be forfeited; but, if not prohibited, then they are to be charged with the customary duties. And all goods found on board not reported shall be forfeited.

Sect. 29.

Officers of the customs to have the like power of seizing tea and spirits removing without permits in like manner as the officers of excise.

Determination  
of two justices  
with respect to  
seizures final.  
Sect. 30.

All seizures of horses, carriages, &c. shall be heard and determined by two justices resident near the place of seizure, and which determination shall be final.

Officers of the  
customs may  
sell seizures in  
any place they  
think proper.  
Sect. 31.

This section repeals that part of the act of the 21 Geo. 3. c. 55. which enacts, that all seizures shall be sent to some warehouse, either in London or Edinburgh respectively, in order to be there sold; and makes it lawful for the commissioners of customs to sell the same in such places as they shall think proper.

Penalty of 500l.  
upon persons  
making collusive  
seizures.  
Sect. 32.

Any officer of his majesty's navy, customs, or excise, making any collusive seizure, or agreeing not to seize any ship or goods, or taking any bribe, shall forfeit 500l. and be rendered incapable of serving his majesty; and every person giving or offering such bribe shall forfeit 500l.

Condemned ves-  
sels may be pur-  
chased by the ad-  
miralty.

Condemned vessels that are fit for his majesty's service, may, instead of being broken

up, be sold to the officers appointed by the lords of the admiralty, or commissioners of the navy, for that purpose; one half of the produce of such sale to be paid into the exchequer for his majesty, and the other half to the officer who prosecuted for the same. 24 Geo. 3. c. 47.

Sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, &c. relate to regulations for preventing vexatious suits against officers making seizures, and the mode of prosecuting offenders against this act.

In case any cutter, lugger, shallop, wherry, sloop, smack, or yawl, shall be found within the limits, or within four leagues of the coast, and carrying a bowsprit (whether standing or running) which shall exceed in length more than two-thirds the length of such cutter, &c. from the fore part of her stem to the aft side of the stern post aloft, every such vessel, with her furniture, &c. shall be seized. Vessels carrying a bowsprit more than two-thirds of her length within four leagues of the coast shall be seized.  
27 Geo. 3. c. 32. §1.

The owner or master of every vessel shall cause to be painted on the outside of the stern of every boat, belonging to such vessel, her name, and the place to which she belongs, and within side of the transom, the master's name, in white or yellow Roman letters, on a black ground, not less than two inches in length, under pain of forfeiture of such boat. Owners of vessels to have their names painted upon boats, under pain of forfeiture of such boat.  
Sect. 2.

Boats not belonging to any ship are to have painted on the stern, in white or yellow Roman letters, of two inches in length, the owner's name, and the port or place to which she belongs, under pain of forfeiting every such boat found within the limits of the ports of Great Britain. Boats not belonging to any ship to have owner's name painted thereon, under pain of forfeiture.  
Sect. 3.

What vessels  
are exempt from  
this act.

27 Geo. 3. c. 32.

§. 4.

This act, or anything therein contained, not to extend to the forfeiture of any cutter, lugger, shallop, wherry, sloop, smack, or yawl, nor any vessel or boat whatever, in the service of the navy, victualling, ordnance, customs, excise, or post office ; nor any having a license from the admiralty ; nor any lighters or barges used in rivers or inland navigation.

Boats found out  
of the limits of  
their navigation  
shall be seized.  
Sect. 5.

Any cutter, vessel, boat, &c. having a license from the admiralty limiting the navigation to, or from, or within any particular port or place, and being found in any other port out of the limits, shall be seized and forfeited.

Sect. 6.

In case it shall appear, that such cutter, &c. was driven or forced without the limits of the license, she shall not be forfeited.

Masters of ves-  
sels to produce  
their licenses.  
Sect. 7.

The master of every such vessel shall produce his license, if required, to every officer of the customs or excise, with the indorsement thereon : on his failure thereof, or not having the same on board, she may be seized.

Vessels, boats  
seized, how to  
be disposed of.  
Sect. 8.

All cutters, vessels, boats, &c. seized in pursuance of this act, shall be disposed of in such manner, and under such regulations and restrictions as directed by 24 Geo. 3. c. 4.

### Imbezzling Stores.

**BY** the twenty-fourth article of war, “ there shall be no  
 “ wasteful expence of any powder, shot, ammunition, or  
 “ other stores in the fleet, nor any imbezzlement thereof ;  
 “ but the stores and provisions shall be carefully preserved,  
 “ upon pain of such punishment, to be inflicted upon the  
 “ offenders, abettors, buyers, and receivers (being persons  
 “ subject to naval discipline) as shall be, by a court mar-  
 “ tial, found just in that behalf.”

But this punishment is confined to persons subject to naval discipline.—By the thirty-first of Elizabeth, imbezzling stores to the amount of 20s. was made felony ; but this act does not appear to have been adequate to the prevention of the evil. Accordingly, the Legislature had recourse to a severer punishment, and by the 22d Car. II. the benefit of clergy was expressly taken away.

The subsequent acts contain regulations for the more easy detection of offenders, by affixing a particular mark to all stores used for his majesty's navy, and empower the commissioners of the navy to act as justices in causing offenders to be apprehended, committed, and prosecuted. —The principal officers also of his majesty's navy, as well as the commissioners, may issue warrants for the apprehension of offenders. The commissioners of the navy have also power to search ships suspected of having prohibited naval stores, which, if discovered, the offenders may be “ fined 200l. imprisoned, or punished corporally, and “ committed to some house of correction, or public “ workhouse, there to be kept to hard labour for three “ months, or less time, at the discretion of the judge or “ justices.”



Imbezzling to the amount of 20s. to be felony.

31 Eliz. c. 4. s. 1.

Prosecutions to be commenced within one year. Sect. 2.

Persons imbezzling stores, ammunition, or provisions, committed to their charge, to the value of 20s. shall be judged guilty of felony.

None shall be impeached for any offence against this statute, unless the same impeachment be prosecuted or begun within the year next after the offence done.

Ibid.

Persons impeached for any offence made felony by this act, may bring proof, by lawful witness or otherwise, for his discharge.

Benefit of clergy taken away from persons convicted of imbezzling stores.

22 Car. 2. c. 5. s. 3.

If any person having the charge or custody of any of the king's armour, ordnance, or habilliments of war, or of any victuals provided for victualling the army, or any other of his majesty's naval stores, shall imbezzle the same to the value of 20s. he shall (on prosecution within a year) be adjudged guilty of felony without benefit of clergy.

Sect. 4.

Judges may reprieve such offenders, and transport them for seven years.

No persons but those contracting for the navy to make naval stores of a particular description, under penalty of 200l. 9 & 10 Will. 3. c. 41.

No persons whatsoever (other than persons authorized by contracting with the commissioners of the navy, ordnance, or victualling office, for his majesty's use) shall make any stores of war, or naval stores, with the king's mark (that is to say), cordage of three inch and upwards, with a white thread laid the contrary way, or any smaller cordage with a twine in lieu of white thread, laid the contrary way, or any canvas wrought or unwrought, with a blue streak in the middle, or any other stores with the broad arrow, by stamp, upon pain of forfeiting such goods, and paying the penalty of *two hundred pounds*, together with costs of suit.

Persons in whose custody, possession, or keeping, such goods or stores marked as aforesaid shall be found (not being employed as aforesaid), or concealing such goods or stores, shall forfeit such goods, and the sum of *two hundred pounds*, with costs, and shall suffer imprisonment until payment of the said forfeiture, unless they produce a certificate from the commissioners of the navy, ordnance, or victualling, expressing the numbers, quantities, and weight, and reason of such goods being in their hands.

Penalty and punishment of persons having prohibited naval stores in their possession.  
9 & 10 Will. 3.  
c. 41. s. 2.

Commissioners of the navy, ordnance, and victualling office, may sell any of the said stores so marked, giving the buyer a certificate, under their hand and seal, expressing the quantities of such stores, and the times when and where bought.

Commissioners of the navy may sell such prohibited stores, giving the buyer a certificate of quantity, &c.  
Sect. 4.

Persons sued for discovering and seizing such stores may plead the general issue, and give this act and the special matter in evidence.

Sect. 5.

King's stores may be lent to ships in distress, with a certificate, so they be restored with all possible conveniency.

Sect. 8.

The principal officers and commissioners of the navy may enquire of the imbezzlement of naval stores, and direct searches, and cause the goods to be brought back, and punish the offenders by fine and imprisonment, the value of the goods not exceeding 20s.

Commissioners of the navy may enquire of the imbezzlement of stores, and punish offenders.  
1 Geo. 1. st. 2.  
c. 25. s. 3.

When goods imbezzled are under 20s. value, the treasurer, comptroller, surveyor, clerk of the acts, and commissioners of the navy, or any one of them, may convict the offender, and fine him not exceeding double the value of the goods; the fine to be levied by distress, and in

How offenders to be punished imbezzling stores under 20s. value.  
Sect. 4.

1 Geo. 1. st. 2. default, offender to be imprisoned, not exceeding three months.  
c. 25.

Sect. 5. Every person who shall counterfeit the hand of any officer of the navy, whereby his majesty's naval treasure may be disposed of, he may be bound over by the said officers, or any of them, until he find surety to appear at the next assizes or quarter sessions, to be there proceeded against according to law.

Punishment of higher offences.  
Sect. 39. For higher offences, may commit to the next gaol, or to the custody of their messenger, till the offender enter into recognizance, with sureties, to answer the matter in the exchequer.

Persons authorized to seize naval stores.  
Sect. 5. The aforesaid persons, or any one of them, may, by warrant, authorize persons to go on board ships at anchor, in the day-time, and not ready to sail, to search for and seize king's naval stores imbezzled.

Persons counterfeiting the hands of officers to be committed, and find surety.  
Sect. 6. Persons counterfeiting the hands of any vouching officers of the navy, or yards, or knowingly producing any such counterfeit paper, to be committed, and find surety to appear at the next session or assizes.

Sect. 10. Treasurer, comptroller, surveyor, clerk of the acts, and commissioners of the navy, may execute their powers, as well within liberties as without.

Sect. 12. Powers given by this act to any officer or commissioner of the navy, may be exercised by the admiralty of Great Britain and Ireland.

Sect. 13. None to be punished twice for the same offence.

Sect. 15. Convictions and judgments under this act final, and not subject to appeal or *certiorari*.

Persons having timber, thick stuff, or plank, marked with the broad arrow, or concealing it, to suffer as for other warlike stores.

Judge or justice may mitigate penalty, and commit till payment, or punish corporally, and determine disputes between informers.

If any person shall, either in this realm, or in any place thereunto belonging, wilfully and maliciously set on fire, to burn or destroy, any of his majesty's military, naval, or victualling stores, or any place where any such stores shall be kept, he, and also his aiders and abettors, shall be guilty of felony without benefit of clergy; and such offender may be tried either where the offence was committed, or in any county within this realm.

The treasurer, comptroller, surveyor, clerk of the acts, or any commissioner of the navy, may act as justices, in causing the offenders to be apprehended, committed, and prosecuted for the same.

Offenders against 9 & 10 Will. 3. c. 41. or 9 Geo. 1. c. 8. (in having stores with the king's mark, &c.) may be tried by indictment at the assize or quarter sessions, and may be fined not exceeding 200l. and the fine mitigated, and the offender imprisoned or punished corporally, and committed to some house of correction or public workhouse, there to be kept to hard labour for three months, or less time, at the discretion of the judge or justices.

And any of the principal officers or commissioners of the navy may issue warrants to search for the same, and punish the offenders by fine not exceeding 20s.

9 Geo. 1. c. 8. f. 3.

Sect. 4. 5.

Persons burning or destroying stores to be judged guilty of felony.  
12 Geo. 3. c. 24.

Treasurer, comptroller, or commissioner of the navy, may act as justices in causing offenders to be apprehended.

9 Geo. 3. c. 30. f. 5.

Offenders having stores with the king's mark, &c. in their possession, may be fined 200l. punished corporally, and committed to the house of correction.  
17 Geo. 2. c. 40. f. 10.

Commissioner of the navy may issue warrants to apprehend offenders.  
25 Geo. 3. c. 56. f. 2.

Penalty for using hemp from which the staple part has been taken away.

No person, after the 25th of July 1785, shall use in the making *cables, hawsers*, or other ropes for the use of shipping, any hemp, from which the staple part thereof shall have been taken away by the manufacturer, or knowingly sell the same, on pain of forfeiting (if by the manufacturer thereof) such cable, hawser, or other rope, and treble the value thereof; and (if the vender, and not the manufacturer) he shall forfeit a sum equal to treble the value thereof.

How cordage, the use whereof is not prohibited by this act, shall be distinguished.  
25 Geo. 3. c. 56.  
1. 3, 4.

And for the better distinguishing the quality of such ropes, whenever the same shall be manufactured, the use whereof is not prohibited by this act, and the quality whereof shall be inferior to clean Peterburgh hemp, the same shall be deemed *inferior cordage*, and the maker shall distinguish the same by running from end to end thereof, nine-tarred mark yarns, spun with horn, contrary to that of rope-yarn, and also one like tarred yarn, in every other rope, for the use of shipping; and shall write on a tally to be affixed thereon the word *staple* or *inferior* (as the case shall be), and also his name, signed by himself or his attorney, together with the name of the place where manufactured; and in default thereof, every such manufacturer shall forfeit 10s. for every hundred weight.

Ropemakers permitting their names to be used shall forfeit 20l.  
Stat. 5.

And if any such ropemaker shall knowingly permit or suffer his name to be put as aforesaid to any such ropes, not being of his own manufacturing, shall forfeit 20s.

Stat. 6.

And if any person shall make any cables of old or worn stuff, which shall contain above seven inches in compass, he shall forfeit four times the value thereof.

And when any ship belonging to any of his majesty's subjects resident in *Great Britain*, or in the British colonies, shall come into any port in this kingdom, the master, at the time of making his entry at the custom-house, shall make entry, on oath, of all foreign-made cordage on board for which no duties have been paid (standing and running rigging in use excepted), and before such ship be cleared inwards, where any discharge shall be made of her lading, pay for such foreign-made cordage the like duties as by the laws are charged upon foreign cordage imported into this kingdom, or in default herein such foreign made cordage shall be forfeited to the master of such ship, shall also forfeit 20s. for every hundred weight thereof.

25 Geo. 3. c. 56.  
f. 8.

Seft. 9, 10.

But the same shall not extend to cordage brought from the *East Indies*, nor to the materials at present in the use of any ship built abroad before the passing of this act, the property of any *British* subject \*.

\* For further particulars relative to this head, see **CORDAGE, CANVAS.**

## Importation and Exportation.

**I**N detailing the principal sections of the Consolidation Act, under the head CUSTOMS, certain rules annexed to the Book of Rates of the twelfth year of Charles the Second, and the eleventh year of George the First, were re-enacted; these rules prescribe the hours of attendance required of the officers of the customs, and the mode in which the business is transacted. They are consequently interesting to merchants, wharfingers, and officers of the customs, for whose instruction, although many particulars of information upon this subject are given under other heads, yet for greater perspicuity some of the principal directions for importation and exportation are collected together, with the rules referred to, and re-enacted by the 27th Geo. III. and a list of such goods as are prohibited to be imported or exported.—The details more at large will be found distributed under the heads CUSTOMS, NAVIGATION, and PLANTATIONS, &c.

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Produce of Africa, America, or Asia, to be imported in British ships legally navigated, or by ships and mariners of the country from whence imported.

Goods of the growth, production, or manufacture of Africa, America, or Asia, can only be imported from thence into Great Britain, or from the parts where they are, usually have been, or can only be, first shipped for transportation, in British-built ships, legally navigated, of which the master and three-fourths of the mariners, at the least, are British subjects; or in ships of the built of the countries of which the goods are the growth, production, or manufacture, navigated by the master and three-fourths of the mariners, at the least, subjects of the states from which the same are imported.

These goods can only be so imported from each of those quarters of the globe directly; the growth, production, or manufacture of Africa, cannot be imported from America, Asia, or Europe, and *vice versa*; nor can any growth or production of Africa, America, or Asia, manufactured in foreign parts, except in the country or place of which they are particularly specified, and those of the Spanish, or Portuguese dominions, or plantations, which may be imported from Spain, Portugal, the Western Islands called the Azores, Madeira, or the Canaries, respectively, in British ships, but the goods of the dominions or plantations of either of those two sovereigns, cannot be imported from any port or place belonging to any other sovereign.

Goods to be imported from these quarters of the globe directly into Great Britain.

By the expression *legally navigated*, whenever it occurs, it is to be understood, that British and British built ships must be navigated by a British master, and three-fourths of the mariners, at least, British subjects; and foreign-built ships must be of the built of the country of which the goods are the growth, &c. navigated by the master, and three-fourths of the mariners, at least; the subjects of that state whence the same are and can be imported, and so remaining during the whole voyage.

Meaning of the term legally navigated.

In case of death of the mariners, or by seamen quitting the ship in foreign parts, or by unavoidable necessity at sea, other mariners may be taken, to save the ship and cargo from being lost, upon proof being made of any of these circumstances occurring; the commissioners of the customs may dispense with the restrictions in the several acts of navigation.

In case of death or accident, other mariners may be sent on board.



His majesty may, by proclamation, permit trading ships to be navigated by three-fourths foreign seamen.  
 13 Geo. 2. c. 3.  
 s. 4.

In case it shall be found necessary to declare war against any foreign power, his majesty may, if he shall judge it requisite, by proclamation, permit trading ships and privateers to be navigated by three-fourths foreign seamen, one-fourth to be his majesty's native and naturalized subjects of Great Britain (sudden death, hazard, and casualties of war and the seas excepted).

No goods to be put on board ships of war.

Goods may not be put on board ships of war, except for the sole use of the ship; but after being put on board, to be subject to the same regulations as other merchandize in merchant ships.

European produce may be imported in British ships, or in ships of the built of any other country in Europe belonging to the sovereign of the state from whence imported.

27 Geo. 3. c. 19.

Produce of Morocco may be imported from Gibraltar.

Goods of the growth, production, or manufacture of Europe, may be imported into Great Britain in British, or British-built ships, legally navigated, or in ships of the built of any country or place in Europe, belonging to the sovereign of the state in Europe, legally navigated, of which the goods are the growth, production, or manufacture respectively, of such ports where the said goods can only be, or are most usually first shipped for transportation.

Goods of the growth of the dominions of the Emperor of Morocco, not lying to the south of Mogadore, may be imported from Gibraltar as from the place of the growth, &c. in British or British-built vessels, legally navigated, or in ships belonging to the empire of Morocco \*.

\* The empire of Morocco comprehends the kingdoms of Morocco, Fez, Tasekt, Suez, and the province of Dara. Mogadore is a port of the kingdom of Morocco towards the Atlantic Ocean, lying south from, and the nearest place of trade to Cape Cantin. Suez and Dara lie to the south of Mogadore. So that this description of the dominions of the Emperor not lying to the south of Mogadore, includes part of Morocco, Fez, and Tasekt. Santa Cruz is a port of Morocco to the south of Mogadore. A'giers, Tunis, and Tripoli, are individual States of Barbary, said to be under the protection of the Grand Signior, and lie to the north east of Mogadore.

Any sort of unmanufactured wood, being the growth and product of America (except masts, yards, and bowsprits), may be imported into Great Britain directly, from any part of America, in British vessels navigated according to law, free of duty, if a due entry be made thereof, expressing the quantity and quality, and being landed in the presence of the proper officer, otherwise to be liable to duty.

Unmanufactured wood the produce of America may be imported directly free of duty.  
11 Geo. 3. c. 41.  
s. 1 and 2.

Any goods of the growth, produce, or manufacture, of Jersey, Guernsey, Sark, and Alderney, may be imported by the inhabitants of the said islands into Great Britain free of duty, upon the oath of the growth, &c. before the magistrate of the said islands respectively, and certificates from the governors, lieutenant-governors, or deputy-governors, or commanders in chief; but salt imported from any of those islands is subject to the same duty as any foreign salt imported.

Produce of Guernsey, Jersey, &c. may be imported by the inhabitants of these places duty free.  
3 Geo. 3. c. 3.  
s. 5.

5 Geo. 1. c. 18.

Coarse printed calicoes, and other prohibited East India pieces, arrangoes, cowries, and tea, may, by license from the lords of the treasury, be imported for the African trade, &c. when the East India Company have not sufficient quantity of any of those sorts of goods to supply the demand.

Prohibited East India goods may be imported for the African trade, East India Company not having a sufficient quantity to supply the demand.

Cotton wool of any sort may be imported from any port or place whatsoever in British-built ships, legally navigated, free of duty, being legally imported in any other ship, is subject to a duty of 1d. per pound weight.

Cotton wool may be imported in British ships free of duty.

British-built includes ships built in Great Britain, Ireland, and the British plantations, or prize ships legally condemned, each description wholly owned by British subjects, navigated and registered according to law.

Meaning of the term British-built.

Irish ships are entitled to the same privileges and advantages as British ships under the same regulations.

**Timber, masts, &c.** the produce of Europe may be imported in British ships, or in ships belonging to the country where such articles were produced.

Timber of any sort, masts, boards, salt, pitch, tar, rosin, hemp, flax, raisins, figs, prunes, olive oil, grain, sugar, pot-ashes, wine, vinegar, spirits called aqua-vitæ or brandy-wine, the growth, production, or manufacture of Europe, may now be imported from any port in Europe, in British or British-built ships, or in the ships the built of any country or place in Europe, belonging to, or under the same sovereign or state in Europe, as the country of which said goods are the growth, production, or manufacture, or from such ports where the same can only be, or are most usually, first shipped for transportation.

**Produce of the Straits, Levant, and East India** goods, may be imported from the usual places of lading in British ships.

Goods of the Straits, Levant Seas, and East India goods, may be imported from the usual places of lading, in British ships, except raw silk, and mohair yarn, which can be brought only from the dominions of the Grand Seignior, or from Malta, Ancona, Venice, Messina, Genoa, Leghorn, and Marseilles, if landed at either of these places, for the purpose of opening and airing only, and re-shipped on board the same ship from which they were landed.

**Spices** may be imported from European ports.

Cinnamon, cloves, nutmegs, and mace, may, by license of the commissioners of the customs, be imported from ports of Europe; the cinnamon in bales containing seventy pounds each; the cloves, nutmegs, and mace, in casks containing three hundred pounds each.

Oil of cinnamon, oil of cloves, oil of mace, and oil of nutmegs, may be imported from places not of their growth.

Persian goods may be brought from Russia by the Russian Company.

Indigo and cochineal may be imported into Great Britain from any port or place whatever, in British ships, or in ships belonging to any kingdom or state in amity with Great Britain.

Indigo and cochineal may be imported in British ships from any port.

Bullion, gold, silver, or jewels, may be imported from any place, in any ships.

Lobsters and turbot may be imported freely by any person whatever, in any ships whatever.

Gum senega may be imported by British subjects in British-built ships, upon payment of the duty.

No currants, nor goods of the Turkish or Ottoman dominions, can be imported into Great Britain or Ireland, except in British-built ships, or in ships of the built of the country of which they are the growth, production, or manufacture, or of the port whence the same can only be, or are most usually, shipped.

Produce of the Turkish dominions to be imported in British ships.

Goods of Muscovy, Russia, or the dominions of the sovereigns thereof, are not to be imported, except in British or Irish ships, or in ships of the same country with the goods.

Russian goods to be imported in British ships, or ships of that country.

Goods may not be imported or exported in the packet boats, except by permission of the commissioners of the customs.

No goods to be imported or exported in packet boats, except by permission.

Tobacco can only be imported into Great Britain from the British plantations, colonies, islands, or territories in America, from some port or place within the United States of America, from the plantations or dominions of Spain or Portugal, or from Ireland, and under the rules, regulations, restrictions, and provisions of the several acts of parliament, in, for,

Tobacco only to be imported from America, &c. under the regulations of the several acts prior and subsequent to October 10, 1789.

at, and prior to the tenth of October 1789, and from and after the tenth of October 1789.

Goods wrecked  
excepted from  
these restric-  
tions.

Goods wrecked, or in danger of being wrecked, are excepted from all the restrictions of importation and exportation.

Mode in which  
entries are to be  
made. Mer-  
chants to declare  
of what country  
the goods en-  
tered are the  
produce.

All goods and merchandize imported pay duties by gauge, measure, tale, or weight, the quantities being ascertained by the proper officers at the water-side; and as the exact quantity of any goods liable to the duty, by the gauge, measure, or weight, cannot be accurately ascertained before they are landed, it is uniformly the practice to make a fair entry of a quantity short of the whole estimated to be imported, upon which the duty is received, and after the goods have been examined, and the whole quantity charged by the officers, the duties are to be paid upon the remaining quantity: these two acts of the merchant produce from the collector, comptroller, and examiner, certificates of the payment of those duties, which authorize the examining officers to deliver the goods to the merchant, and are called *prime entries* and *post entries*. All goods or merchandize which pay duty by tale, the merchant is supposed to know the exact quantity of, therefore no second or *post entry* is permitted for any such goods after they have been unshipped with intent to land; and if, by examination, the quantity is found to be greater than the duties have been paid for, before they were unshipped, the surplus is by law, and long-established custom, forfeited. But the commissioners of the customs and excise have a power to relieve, in all cases where it shall be made appear to their satisfaction that there was not any intention of fraud. In those instances, where the

merchant is doubtful of the quality or quantity of the goods, which frequently occurs, the law has permitted him to take out *a bill of view*, or *sight*, and the officers then ascertain the quantity of the different sorts of goods, which they make a return of to the collector upon the bill of sight, and the merchant is to declare of what country they are the growth, production, or manufacture.

The following are such of the Rules referred to in the 27 Geo. 3. c. 13. which are re-enacted :

**RULES referred to by 27 Geo. 3. c. 13.**

**EVERY** merchant shall have liberty to break bulk, in any port allowed by the law, and to pay custom and subsidy for no more than he shall enter and land, provided that the master or purser of every such ship shall first make declaration, upon oath, before any two principal officers of the port, of the true content of his ship's lading ; and likewise declare upon oath, before the customer, collector, comptroller, or surveyor, or two of them, at the next port of this kingdom where his ship shall arrive, the quantity of the goods landed at the other port where bulk was first broken, and to whom they did belong.

**RULE I.**  
Merchants may break bulk at any port, upon oath by the master of the true contents of ship's lading.

The merchants trading to the port of London have free liberty to lade and unlade their goods at any lawful quays and places of shipping and landing of goods, between the Tower of London and London Bridge, and between sun-rising and sun-setting, from the tenth of September to the tenth of March, and between the hours of six of the clock in the morning and six of the

**RULE XIII.**  
Merchants may unlade their goods at any lawful quay at certain hours.

clock in the evening, from the tenth of March to the tenth of September, giving notice thereof to the respective officers appointed to attend the lading and unlading of goods ; and such officer as shall refuse, upon due calling, to be present, he shall forfeit for every default 5*l.* ; one moiety to the king, and the other moiety to the party grieved, and suing for the same.

**RULE XVIII.**  
Hours of attendance by the officers of the customs.

The officers who sit above in the custom-house of the port of London shall attend the service of their several places from nine to twelve of the clock in the forenoon ; and one officer or one able clerk shall attend with the book in the afternoon, during such time as the officers are appointed to wait at the water-side, for the better deciding of all controversies that may happen concerning merchants warrants. All the officers of the out-ports shall attend every day in the custom-house of every respective port, for dispatch of merchants and shippers, between the hours of nine of the clock and twelve in the morning, and two and four of the clock in the afternoon.

**RULE XIX.**  
Merchants to be dispatched in such order as they come, and no fees to be taken but those allowed.

Every merchant making an entry of goods, either inwards or outwards, shall be dispatched in such order as he cometh ; and if any officer, or his clerk, shall, either for favour or reward, put any merchant, or his servant duly attending, by his turn, or otherwise delay any person so duly attending, and making his entries aforesaid, to draw any other reward or gratuity from him than is limited in the act of tonnage, and poundage, and this book, if the master or officer be found faulty herein, he shall, upon complaint to the chief officer of the custom-house, be strictly admonished of his duty ; but if the clerk be found faulty therein, he

shall, upon complaint to the said chief officers, be presently discharged of his service, and not be permitted to sit in the custom-house.

The Rules XX and XXI, respecting duties payable to the city of London, or any other city, town, or corporation in Great Britain, will be found in the first section of the 27 Geo. 3. c. 13. under the head CUSTOMS.

The under searchers, or other officers of Gravesend, having power to visit, and search, any ship outward bound, shall not, without just and reasonable cause, detain any ship, under colour of searching the goods therein laden, *above three tides after her arrival at Gravesend*, under pain of loss of their office, and rendering damage to the master or the owner of the ship; and the searcher or other officer of the custom-house, in any of the out-ports, having power to search any ship outward-bound, shall not, without just and reasonable cause, detain any ship, under colour of searching the goods therein laden, *above one tide after the said ship is fully laden, and ready to set sail*, under pain of loss of the office of such offender, and rendering damage to the merchant and owners of the ship.

**RULE XXII.**  
Officers of  
Gravesend shall  
not detain ships  
unnecessarily.

For avoiding all oppression, by any of the officers of the customs, in any port of this kingdom, in exacting reasonable fees from the merchant, by reason of any entries or otherwise, touching the shipping and unshipping of any goods, wares, and merchandizes, it is ordered, that no officer, clerk, or any other, belonging to any custom-house whatsoever, shall exact, require, or receive, any other or a greater fee

**RULE XXIV.**  
Officers of the  
customs receiving  
more than  
the fees estab-  
lished by par-  
liament, shall  
forfeit their  
places.



of any merchant or other whatsoever than such as are or shall be established by the commons in parliament assembled: if any officer or other shall offend contrary to this order, he shall forfeit his office and place, and be for ever after incapable of any office in the custom-house.

**RULE XXV.**  
Merchants to keep their own cockets until the goods shall be shipped.

All fees appointed to be paid in to the customer, comptroller, surveyor, or surveyor-general, in the port of London, for any cocket or certificate outwards, shall be paid altogether, in one sum, to that officer, from whom the merchant is to have the cocket or certificate above in the custom-house; and after the merchant has duly paid his custom and subsidy, and other duties above, in the custom-house, as is appointed in the book of rates, he is to be master of, and keep his own cocket or certificate, until he shall ship out his own goods so entered, when he is to deliver the same to the head-searcher, or his majesty's under-searcher in the port of London, or other ports, together with the mark and number of the goods.

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The following are the latest regulations which have been made upon this subject.

Goods of the growth of any foreign colony in America, imported directly from thence in vessels belonging to subjects of any place in amity with his majesty, may be landed, if permitted by order in council.—39 Geo. 3. c. 95. s. 1.

From and after the twenty-fifth day of July 1799, it shall and may be lawful for the officers of his majesty's customs to permit any goods, wares, or merchandizes, being of the growth and produce of any foreign colony, island, or plantation in *America*, and imported into this kingdom directly from any such colony, island, or plantation, in any ship or vessel belonging to

any of the subjects of the United States of America, or of any other country or place in amity with his majesty, to be entered and landed in this kingdom without payment of the duty of customs imposed by an act passed in the 38th Geo. III. c. 76. : provided such goods, wares, and merchandize, shall be permitted to be landed and warehoused in this kingdom by virtue and under the authority of any order or orders of his majesty in council.

Any such goods, wares, or merehandize, so imported, landed, and warehoused, shall and may be afterwards delivered from any such warehouse for exportation to foreign parts, without payment of the duty of customs imposed by the above cited act on the exportation of any such goods, wares, or merchandize : provided always, that nothing in this act shall extend, or be construed to extend, to exempt goods, wares, and merchandizes so imported from the payment of any of the duties imposed by the 38 Geo. 3. c. 76. in case any such goods, wares, or merchandize, shall be taken out of any warehouse for the purpose of being used or consumed in this kingdom, or from the duties of customs granted by an act of the last session of parliament.

and may be delivered for exportation without payment of the duty imposed by the above cited act ; but if delivered for home consumption, the duties imposed by that act, and an act of the present session, shall be paid.  
Sect. 2.

Spanish wool may be imported from any port or place whatever, in any ship belonging to any kingdom or state in amity with his majesty, notwithstanding the 33 Geo. 3. c. 27. or any other acts to the contrary.

39 Geo. 3 c. 98;

Vessels detained, having Spanish wool on board, may be restored by an order of his majesty's council, if license was previously granted for the importation.

Sect. 2.

39 Geo. 3. c. 99.  
 §. 3. 4

The duty imposed by 38 Geo. 3. c. 76. of 2l. for every 100l. of the value of British goods exported to any place not in Europe, so far as relates to goods exported to any place within the Streights of Gibraltar, shall cease, and instead of the above duty of 2l., ten shillings only of value for every 100l. shall be paid, except sugar, and such goods, wares, and merchandize, were, by any special provision in the 35 Geo. 3. c. 27. are exempted from the duties thereby imposed.

Pitch, tar, deal boards, fir, and timber, may be imported from Hamburgh, &c.  
 39 Geo. 3. c. 111.

From the first of August 1799 until the first of August 1802, pitch and tar, deal boards, fir, and timber, may be imported in *British-built* ships, owned and navigated according to law, from the ports of *Hamburgh, Bremen, Altona, and Gluckstat*, pitch and tar, as well as deal boards, fir, and timber; any thing in the 13th and 14th of Charles II. intituled, "*An Act* for preventing Frauds, and regulating Abuses in his Majesty's Customs," to the contrary notwithstanding.

The following list of goods prohibited to be exported, imported. &c. are inserted, as they are interesting to merchants and masters of merchantmen.

#### GOODS PROHIBITED to be IMPORTED.

|  |   |
|--|---|
| Artificial flowers made of silk, except for private use, with the permission of the commissioners of the customs | Beer or Bigg, ground  |
| Band strings   | Books, English, or reprinted abroad   |
| Barley, ground   | Buttons of all sorts  |
| Beans, ground  | Callicoes, muslins, or stuffs, made of linen yarn, or cotton wool, or of linen yarn and cotton wool |

|  |   |
|--|---|
| mixed, wherein shall be mixed or wove in the warp, in the selvage only, through the whole, or any part of the length of the piece, one or more blue stripes of one or more threads, under penalty of forfeiture and 10l. per piece by the importer | Cut work  |
| Chocolate ready made   | Embroidery  |
| Cocoa Paste  | Fringe of thread or silk  |
| Coin (current), false or counterfeit, to be uttered  | Indian Corn or Maize, malt made thereof   |
| —, Gold or silver of Ireland   | Malt made of barley, beer, or bigg, of Indian corn or maize, of oats, rye, or wheat |
|  | Pease, ground   |
|  | Rye, ground   |
|  | Wire, Card Wire, or Iron  |
|  | Wire, for making of wool cards.   |

**GOODS PROHIBITED *to be* IMPORTED and USED in GREAT BRITAIN.**

|  |  |
|--|--|
| Bone Lace of silk, made in any foreign parts, and thread and lace made in France   | Gold or silver thread, lace, fringe, or work made of copper, brass, or any inferior metal, or gold or silver wire or plate, embroidery, or gold or silver brocade. |
| Brass, work made thereof   | Lace of gold or silk made in France  |
| Brocade of gold or silver  | Leather, foreign, cut into shapes for gloves or mits   |
| Copper, work made thereof  | Mits of leather or silk  |
| East India wrought silks, Bengals, and stuffs mixed with silk, or herbas of the manufacture of Prussia, China, or East Indies, and calicoes, painted, printed, or dyed there | Needle work of silk or thread, except East India, upon muslin  |
| Embroidery   | Popish agni dei, crosses, pictures, beads, or such other superstitious things  |
| Fringe, gold, &c.  |  |
| Gloves and mits of leather or silk   |  |

|   |  |
|---|--|
| Popish Primers, Ladies Psalters, Manuals, Rosaries, Catechisms, Missals, Breviaries Portals, Legends, and Lives of Saints, in any language, and other superstitious books in the British tongue | Italian crapes, or taffaties from Italy                            |
| Silk, ribbands, laces, and girdles wrought, except  | Silver thread laces, &c. as gold thread lace, &c. before mentioned |
|   | Stockings, silk  |
|   | Stuffs mixed with silk or herba                                    |
|   | Tobacco stalks   |
|   | Velvets.   |

GOODS PROHIBITED *to be imported for Sale.*

|   |  |
|---|--|
| Artificial flowers made of silk   | Cheese from Ireland  |
| Bits  | Coin, false or counterfeit   |
| Cards for wool  | Daggers  |
| Cattle, great, sheep, swine, beef, pork (except bacon), mutton, or lamb, except six hundred head yearly from the Isle of Man to the port of Chester, or members thereof, viz. Lancaster, Liverpool, Poulton, Aberconway, Beaumaris, and Caernarvon ; but cattle and salted provisions of and from Ireland, may be imported duty free ; and bestials from the Isle of Man by the inhabitants thereof ; also cattle from Guernsey, Jersey, Alderney, and Sark, by the inhabitants thereof | Dagger blades  |
| Cauls made of silk  | Girdles  |
| Chapes  | Gloves (other than leather or silk) which cannot be imported and used in Great Britain |
|   | Handles for knives   |
|   | Harness for girdles and horse harness  |
|   | Hilts  |
|   | Knives   |
|   | Leather laces  |
|   | Locks  |
|   | Locketts   |
|   | Mutton   |
|   | Pins   |
|   | Points   |
|   | Pork   |
|   | Provisions (See Cattle)  |
|   | Pummels  |
|   | Rapiers  |

|   |   |
|---|---|
| Ribbands of silk only, or mixed with other materials  | Spirits from the British plantations in America, in casks less than sixty gallons, except for private use |
| Saddles   | Stirrups  |
| Scabbards and sheaths for knives  | Swine ( <i>See Cattle</i> )   |
| Silk wrought by itself, or with any other stuff in ribbands, laces, girdles, corsets, caul, corsets of tifsue or points | Wire, card wire, or iron wire for making wool cards.  |

**GOODS PROHIBITED to be IMPORTED for SALE, without LICENSE, from HIS MAJESTY.**

|            |                  |
|------------|------------------|
| Ammunition | Gunpowder        |
| Arms       | War, utensils of |

**GOODS PROHIBITED to be IMPORTED for SALE by any PERSONS, except made and wrought in IRELAND, or TAKEN UPON THE SEAS, or WRECKED.**

|                                       |  |
|---------------------------------------|--|
| Andirons                              | Cheffmen   |
| Balls, tennis                         | Cloth, woollen   |
| Basons, counterfeit                   | Combs  |
| Bells, viz. facing bells              | Corsets  |
| Blanch iron thread, called white wire | Daggers  |
| Bodkins                               | Dice   |
| Bosses for bridles                    | Dripping pans  |
| Brushes                               | Ewers  |
| Busking                               | Forcers  |
| Candlesticks, hanging                 | Fringes of silk and thread   |
| Caps, woollen                         | Furs tawed, viz. badger, bear, beaver, calabar, cat, ermine, fitch, fox, leopard, martin, or matron, mink, mole, otter, ounce, sable, wolf, and wolvering, |
| Cards, playing                        |  |
| Cards for wool                        |  |
| Caskets                               |  |
| Chaffing balls or dishes              |  |

|   |   |
|---|---|
| or any other kind of furs<br>not originally rated as<br>skins   | Points  |
| Galley tiles  | Purses  |
| Girdles   | Rapiers   |
| Galoches or corks   | Razors  |
| Gridirons   | Ribbands  |
| Hammers   | Rings of copper, or latten<br>gilt, for curtains  |
| Harness pertaining to sad-<br>dles  | Saddles   |
| Harness for girdles of iron,<br>latted steel, tin, or alk-<br>mine  | Scissars  |
| Hats  | Scummers  |
| Iron thread, called white<br>wire   | Sheaths   |
| Knives, called wood knives  | Sheers for taylors  |
| Laces of thread or gold   | Shoes   |
| Ladles  | Silk embroidered, and silk<br>twined  |
| Leather ; any thing wrought<br>of tawed leather   | Spurs   |
| Locks   | Stirrups  |
| Needles, called pack needles  | Tires of silk or gold   |
| Printed wares, except paper,<br>and pictures, and earthen-<br>ware, the manufacture of<br>Europe, other than galley-<br>tiles | Tongs, viz. fire tongs  |
| Pattens   | White wire  |
| Pinsons   | Wire of iron, viz. card wire,<br>and all sorts of iron wire<br>smaller than fine fine and<br>superfine, and wool cards,<br>or any other ware made of<br>iron wire |
|   | Woollen caps  |
|   | Woollen cloths or old dra-<br>pery.   |

**GOODS PROHIBITED to be IMPORTED for SALE by  
STRANGERS or ALIENS.**

|   |  |
|---|--|
| Andirons                                  | Bits   |
| Bells of any sort, except<br>hawk's bells | Bladesmiths, any wares per-<br>taining to them |

|  |  |
|--|--|
| Blacksmiths, any ware pertaining to them     | Hardinefs, called horfe harness            |
| Boots  | Hinges and garnets                         |
| Broaches or spits                            | Horners, and wares pertaining to them      |
| Bottle-makers, any ware pertaining to them   | Horns for lanthorns                        |
| Buckles for shoes                            | Hurers, any wares pertaining to them       |
| Candlesticks, hanging<br>———, iron, standing | Images, painted                            |
| Card-makers, any ware pertaining to them     | Joiners, any wares pertaining to them      |
| Chaffing dishes                              | Iron wares                                 |
| Chains                                       | Keys                                       |
| Clasps for gowns                             | Knives                                     |
| Cloths painted                               | Laces                                      |
| Coppersmiths, any wares pertaining to them   | Latten ware                                |
| Cupboards                                    | Lavers, hanging                            |
| Cutlers, any wares pertaining to them        | Locks, called stock locks                  |
| Forcers                                      | Lorimers, any wares pertaining to them     |
| Forks, called fire works                     | Nails of latten, with iron shanks          |
| Founders, any wares pertaining to them       | Pinner, any wares pertaining to them       |
| Girdlers, any wares pertaining to them       | Painters, any wares pertaining to them     |
| Girdles                                      | Point-makers, any wares pertaining to them |
| Glass, painted                               | Purfers                                    |
| Glovers, any wares pertaining to them        | Pins                                       |
| Gold beaters in papers for painters          | Points                                     |
| Gold-beaters, any wares pertaining to them   | Pouches                                    |
| Grates                                       | Purfes                                     |
| Gridirons                                    | Rings for curtains                         |
| Hangers                                      | Sadlers, any wares pertaining to them      |
| Hardinefs wrought for girdles                | Saddles                                    |
|  | Saddle trees                               |



|   |   |
|---|---|
| Scissars                                    | Stops, called holy stops                      |
| Sheers for taylors                          | Taylors sheers                                |
| Silver (beaten) in papers for<br>painters   | Tongs   |
| Spits                                       | Turners, any wares pertain-<br>ing to them    |
| Spoons of tin or lead                       | Weavers, any wares pertain-<br>ing to them    |
| Spurrers, any wares pertain-<br>ing to them | Wire-mongers, any wares<br>pertaining to them |
| Spurs                                       | Wool cards, except Roan<br>cards              |
| Stirrups                                    |   |
| Stock-locks                                 |   |

**GOODS PROHIBITED *to be* IMPORTED, *except in particular*  
WEIGHTS, PACKAGES, &c. or under other RESTRIC-  
TIONS.**

|  |   |
|--|---|
| Aqua vitæ, except in ships<br>belonging to Great Bri-<br>tain or Ireland, or of the<br>same country with the<br>goods, of one hundred<br>tons burthen, and in casks<br>not less than sixty gallons<br>each.                            | Boards, except in ships be-<br>longing to Great Britain<br>or Ireland, or of the same<br>country with the goods   |
| Ashes, Pot, from any places,<br>except in ships belonging<br>to Great Britain or Ire-<br>land, or of the same coun-<br>try with the goods  | Brandy, in casks containing<br>not less than one hundred<br>gallons each, or in ships<br>less than one hundred<br>tons  |
| Beef, except from the Isle of<br>Man, by the inhabitants<br>thereof, according to the<br>regulations of the 5th Geo.<br>3. c. 43. into any lawful<br>port of Great Britain, and<br>except Irish beef into any<br>part of Great Britain | _____, in any case, except<br>in ships belonging to<br>Great Britain or Ireland,<br>or of the same country<br>with the goods  |
|  | Cambricks and French lawns,<br>except in British or French<br>built ships, legally navi-<br>gated and owned, and in<br>bales, &c. covered with<br>sackcloth or canvass, con-<br>taining one hundred whole |

- pieces, or two hundred demi pieces
- Cambricks and French lawns, or lawns from Ireland, until the importation thereof shall be prohibited \*.
- Candles, soap, and starch, or hair powder made of starch, or which serve for the same uses as starch, in any packages less than two hundred and twenty-four pounds weight net.
- Coffee, in ships not above fifty tons, and in packages less than one hundred and twelve pounds net
- Coin, viz. light or base coin exceeding 5l.
- Corn or grain, except in ships belonging to Great Britain or Ireland, or of the same country with the goods
- Currants (Turkey), except in British-built ships, or ships of the same country with the goods, and any currants in any packages containing less than five hundred weight net.
- Figs, except in ships belonging to Great Britain or Ireland, or of the same country with the goods ;
- and Turkey figs, except in British-built ships, or of the same country with the goods
- Fish, flat or fresh, in foreign ships, taken by or bought of foreigners, except eels, stock fish, anchovies, sturgeon, botargo, cavear, lobsters, and turbot
- Flax, except in ships of Great Britain or Ireland, or of the built of the same country with the goods
- Geneva, in casks containing less than one hundred gallons, or in ships less than one hundred tons, except two gallons for each seaman, if no other spirits or wine for their use
- Hair powder made of starch, except in packages containing each two hundred and twenty-four pounds weight net
- Hats or bonnets of bast, straw, chip, cane, or horse-hair, except in bales or tubs containing seventy-five dozen each ; and plaiting or other materials for making such hats, except in packages contain-

\* These and other articles the produce of France cannot now be legally imported, the Commercial Treaty being suspended during the present hostilities.

- ing each two hundred and twenty-four poundsweight net : thus into London only, and ships exceeding fifty tons burthen
- Isle of Man brandy, rum, strong waters, or spirits, not to be imported thence
- Masts, except in ships belonging to Great Britain or Ireland, or of the built of the same country with the goods
- Oak bark, when the price of hatch bark is under 10l. per load, or oak bark in the rinds under 2l. 10s. the load
- Oil (Olive), except in ships belonging to Great Britain or Ireland, or of the built of the same country as the goods
- Packet boats, any goods or merchandize therein, except by license of the commissioners of the customs
- Pepper, except in the port of London
- Pitch, except in ships belonging to Great Britain or Ireland, or in ships of the built of the same country with the goods
- Prunes, except in ships belonging to Great Britain or Ireland, or in ships of the built of the same country as the goods
- Raisins, except in ships belonging to Great Britain or Ireland, or in ships of the built of the same country as the goods
- Rosin the like
- Rum, except in casks that will contain sixty gallons each ; if regularly imported from the British dominions in America in small casks for private use, the commissioners may admit to entry
- Sail-cloth or canvas for Ireland, except in entire bolts or pieces
- Salt, except in ships of forty tons burthen, or otherwise than in bulk, except for the ship's provisions
- of Great Britain or Ireland, or other salt coming from Ireland or the Isle of Man, except for the ship's provisions, or taken in to cure fish at sea
- from any place, except in ships belonging to Great Britain or Ireland, or in ships of the built of the same country as the goods
- Silk, thrown, except directly from Italy, Sicily, or the kingdom of Naples, legally imported

Silk, raw, Turkey, except from ports in the dominions of the Grand Seignior, legally imported.

Snuff, except in packages containing each four hundred and fifty pounds weight net, and in ships of one hundred and twenty tons burthen

Soap, except in packages containing each two hundred and twenty-four pounds net

Spice imported by license, except as follows: cinnamon in bales, containing each seventy pounds weight net; nutmegs, cloves, or mace, in casks containing three hundred pounds weight net or upwards

— from any part of Europe, except by license of the commissioners of the customs

Spirits of any kind, except in casks that will contain one hundred gallons each, and in ships of one hundred tons burthen, on forfeiture of the ships and goods; but rum of the British plantations, and arrack, may be imported in casks that will contain sixty gallons each; and rum in

smaller casks for private use, the commissioners of the customs may admit to entry

Starch, or hair powder made of starch, or which may serve for the same uses as starch, except in packages containing each two hundred and twenty-four pounds weight

Sugar, except in ships belonging to Great Britain or Ireland, or of the built of the country of which it is the growth

Tar from any place, except in British ships, or in the ships of the built of the country of which it is the produce

Tea only from the place of its growth, though formerly exported hence, except by license of the lords of the treasury, in case the East India Company do not supply the market in British-built ships

Timber, except in British ships, or in ships of the built of the country of which it is the growth

Tobacco, except in casks or other packages containing each four hundred and fifty pounds weight net, and in ships of one hun-

|   |  |
|---|--|
| dred and twenty tons burthen, nor from any other place than the plantations of Spain or Portugal, from the British plantations of America, from the United States of America, or from Ireland, the growth thereof respectively, although the same may have been formerly exported hence | Wines, Spanish, Portugal, or French, except in hogsheds, unless for private use, and in ships sixty tons burthen   |
| Turkey goods, or of the dominions of the Grand Seignior, except in British-built ships, or in ships of the built of the country of which they are the growth, &c.   | — from any place in ships of less burthen than sixty tons  |
| Vinegar, except in British-built ships, or in ships of the built of the country of which it is the produce, &c.   | — in flasks or bottles, or vessels containing less than twenty-five gallons, except French wines in bottles or packages containing three dozen bottles each, until the tenth of May 1800, and except wines of the dominions of the Great Duke of Tuscany in open flasks, or of Turkey, or any other part of the Levant Sea, in the manner heretofore usually imported. |
| Whalebone cut (except in fins)  | N. B. Two gallons per man of wine and spirits are allowed for the ship's use for each seaman in the ships of any country or any tonnage.   |
| Wines, except in British ships, or in ships of the built of the country of which it is the produce  |  |

GOODS PROHIBITED *to be* EXPORTED.

|  |  |
|--|--|
| Bell metal   | Bullion, unless a certificate from the court of the lord mayor and aldermen of London, and is produced to the commissioners of |
| Boxes for clocks or watches without the movements, &c. |  |
| Brass metal  |  |

the customs that it is foreign, and not molten from coin of this realm, or clippings thereof, nor from plate wrought in this kingdom

Cases for clocks and watches of any metal without the movements

Clocks without the movements made fit for use, with the maker's name

Coin of gold and silver, without the king's license (except foreign coin upon entry, or any other coin, into Ireland)

Copper, except made of British ore

Corn of any sort, or malt, biscuit meal, or flour made therefrom, except under the regulations and restrictions of the 31st Geo. 3. c. 30.

—, viz. wheat or meal, flour, malt, bread, or biscuit, made of wheat, if at or above per quarter 46s.

—, viz. rye, pease, or beans, or meal, flour, bread, or biscuit, made of rye, pease, or beans, when rye, pease, or beans, are at or above per quarter 30s.

—, viz. barley, beer, or bigg, or meal, flour, malt, bread or biscuit, made of

barley, beer, or bigg, when barley, beer, or bigg, are at or above per quarter 23s.

Corn, oats, or meal, malt, bread, or biscuit made of oats, when oats are at or above per quarter 15s.

—, foreign. of any sort, imported and not warehoused, or malt, meal, or flour, or biscuit made therefrom, except so much as shall be necessary for the sustenance, diet, and supply, of the master of the ship, mariners, passengers, &c. or for the use of cattle, live stock, or other animals on board, for victualling or providing his majesty's ships of war, &c. or for victualling or providing any of his majesty's forces, forts, or garrisons. Beans to the British forts, castles, or factories in Africa, or for the use of British ships trading on that coast, which have been usually supplied from Great Britain : Corn coastwise, upon the security required by law (except from a port where the exportation is not allowed at the time of shipping to any other port of Great Britain whence it may be

\* u

|  |   |
|--|---|
| exported), and except as mentioned in 31st Geo. 3. c. 30.  | copper, and mundic-metal made of British ore, and foreign copper in bars)   |
| Dial plates for clocks or watches without the movements, &c.   | Mortlings   |
| Frames or engines for knitting of stockings  | Rams, alive   |
| Fullers earth or scouring clay   | Scouring clay   |
| Gunpowder, when the price exceeds 5l. per barrel, or prohibited by proclamation  | Sheep, alive  |
| Hides of ox, steer, cow, bull, or calf, except calves skins dressed without the hair, unless for the ship's use, not exceeding six raw hides and three tanned hides  | Shortlings  |
| Horns, British unwrought   | Silver, molten, except marked at Goldsmith's Hall, and by certificate, &c. as in bullion  |
| Isle of Man wrought silks, Bengals, stuffs mixed with silk, or herbas of the manufacture of Persia, China, or East India, calicoes painted, dyed, printed, or stained there. Cambricks or French lawns, may not be exported to the Isle of Man | Tallow  |
| Lambs, alive   | Tea, to Ireland, or British plantations except in the original packages   |
| Latten   | Thruinbs  |
| Metal, brass, copper, latten, bell metal, pan metal, gun metal, shruff metal (except lead, and tin, and  | Tobacco pipe clay, except to the British sugar colonies in the West Indies, until the twenty-fourth of June 1792, &c.   |
|  | Tools or utensils, machines, engines, presses, paper, implements, or any model or plan thereof, in the cotton, linen, silk, or woollen manufactures, may not be shipped, unless to be directly landed again in Great Britain or Ireland |
|  | — not to be collected together to be conveyed by open sea to any place except to Great Britain, but not to extend to wool cards, or stock cards, not exceeding in value 4s.   |

per pair, and spinners cards not exceeding 1s. 6d. per pair, exported to any British colony in America

Tools, viz. hand stamps; dog-head stamps, pulley stamps, hammers, and anvils, for stamps; rollers either plain or grooved, or of any other form or denomination, of cast iron, wrought iron, or steel, for the rolling of iron, or any sorts of metal, and frames, beds, pillars, screws, pinions, and each implement, tool, or utensil, thereto belonging; rollers, flitters, frames, beds, pillars, and screws for flitting mills; presses of all sorts in iron, steel, or other metals, which are used with a screw exceeding one inch and a half in diameter, or any parts of these several articles, or any model or models of any of the before mentioned utensils, implements, and machines, or any part thereof, and all sorts of utensils, engines, or machines, used in the boring of cannon, or any sort of artillery, or any parts thereof; presses of

all sorts, beds and punches to be used therewith, either in parts or pieces, or fitted together; scoring or shading engines; presses for horn buttons; dies for horn buttons; rolled metal with silver thereon; parts of buttons not fitted up into buttons, or in an unfinished state; engines for chasing; stocks for casting buckles, buttons, or rings; die-sinking tools of all sorts; engines for making button thanks; caps of all sorts; tools for pinching of glass; engines for covering of whips; bars of metal covered with gold or silver; burnishing stones, commonly called blood stones, either in the rough state, or finished for use; wire moulds for making paper; wheels, made of metal, stone, or wood, for cutting, roughing, smoothing, polishing, and engraving glass; pincels, pincers, sheers, and pipes used in blowing glass; potters wheels and potters laths, for plain, round, and for engine turning; tools used by saddlers, harness-makers, and bridle-makers, name-



ly, cattle-strainers, side-strainers, point-strainers, creasing-irons, screw-creasers, wheel-irons, seat-irons, pricking-irons, bolstering irons, calams, and head-knives

Watches without the movements fit for use, with the maker's name

Wool, Sheep's, wool fells, mortlings, shortlings, yarn made of wool, wool flocks, fullers earth, fulling clay, and tobacco-pipe clay, except the latter to the British sugar-colonies in the West-Indies, until the

twenty-fourth of June 1792, and except to Ireland; coverlids, waddings, or other manufactures of wool slightly worked or put up together, so as they may be reduced to wool again, or matts or beds stuffed with combed wool, or wool fit for combing; British hair-skins, or parts or pieces thereof; British hair wool: coney wool undressed or untawed; British coney skins, or parts or pieces thereof

Woollen yarn

Worsted \*.

\* For further particulars relative to Importation and Exportation, see CUSTOMS, NAVIGATION, and PLANTATIONS, &c.

### Impressing of Seamen.

**N**OTWITHSTANDING the various arguments which have been adduced against the legality of impressing men for the sea service, the practice of thus manning the navy is not only sanctioned by custom, but is also established by law; and where no other adequate mode can be substituted, the law of imperious necessity must be complied with.

The very high bounties, however, which have been given, and the 35 Geo. 3. c. 9. amended by 35 Geo. 3. c. 19. appointing certain proportions of men to serve in the navy, to be levied in the several counties of England and Wales, has been found nearly effectual, without having recourse to impressing, which, notwithstanding, must, in cases of urgency, be still resorted to as the most certain, when every other method is found to be ineffectual.— Accordingly, by the 38 Geo. 3. c. 48. protections were suspended for a time limited by that act, with some particular exceptions of those seamen which were absolutely necessary for carrying on the coal trade, &c.; but the time limited by that act having expired, protections are of course revived.

By an act, intituled,

“ The Penalty of Mariners retained to serve 2 Rich. 2. A. 1.  
 “ the King on the Sea, which do depart with- 1. 4.  
 “ out License,”

Mariners that have been *arrested* and retained for the king's service upon the sea, in defence of the realm, who *flee out* of the said service without license of the admirals, to the great damage of the king and his realm, and hindrance of the said voyages, shall restore to the

Mariners leaving the service to be imprisoned, &c.

2 Rich. 2. st. 2. king double the wages they have received, and suffer one year's imprisonment, without bail or mainprize.

And all sheriffs, mayors, and bailiffs, within franchises and without, are to take all fugitive mariners, and put them in prison.

Punishment of masters of ships, &c. suffering mariners to escape.

2 Rich. 2. c. 4

Masters of ships, and all other persons, who shall be convicted, by enquiry before the admiral or his lieutenant, of having taken any-thing from the said mariners, for suffering them to go at large out of the service, after having been so arrested and retained, shall suffer the like penalties as the fugitives.

By an act, intituled,

2 & 3 Ph. and Mar. c. 16.  
f. 3.

“ An Act touching Watermen and Barge-men upon the River Thames,” it is enacted,

The punishment of watermen withdrawing themselves in the time of pressing.

That persons using and exercising the occupation of rowing betwixt Gravesend and Windsor, who shall willingly, voluntarily, and obstinately, withdraw, hide, or convey themselves, in the time of pressing, into secret places, and return again, when such time of pressing is overpassed, to row between Gravesend and Windsor, the persons so offending shall suffer imprisonment for two weeks, and be disabled from rowing on the Thames for a year and a day following

5 Eliz. c. 5.  
f. 41.

Fishermen and mariners are not compelled to serve as soldiers, except under some captain of a ship for landing on some exploit that mariners have used to do.

In what cases a fisherman shall be taken to serve as a mariner.  
Stat. 43.

No fisherman to be taken to serve at sea, unless the commission be first brought to two justices near, who are to choose out the number of men therein specified.

Every ship in the coal-trade has the following number of persons protected, viz. two able seamen (such as the master shall nominate) for every ship of one hundred tons ; and one for every fifty tons for every ship of one hundred tons and upwards ; and any officer who presumes to impress any of the above, shall forfeit to the master or owner of such vessel 10l. for every man so impressed ; and such officer shall be incapable of holding any place, office, or employment, in any of his majesty's ships of war.

Seamen in the coal trade protected.

6 & 7 Will 3. c. 11. s. 12.

It is necessary, however, to entitle these men to the above protection, that the master should, pursuant to the act, *name them before they are impressed*, which is done by going before the mayor or other magistrate of the place, who is to give the master a certificate, in which is contained the names of the particular men whom he wishes to have thus protected ; and this certificate will be their protection.

5 Term Rep. 417.

No harpooner or foreigners permitted by the act for carrying on the Greenland fishery shall be impressed.

1 Anne, s. 1. c. 16 s. 2.

Parish boys bound apprentices to the sea service not to be impressed till eighteen years of age.

2 & 3 Anne, c. 6. s. 4.

Voluntary apprentices to the sea service not to be impressed for three years after the date of their indentures.

Stat. 15.

No persons of the age of eighteen years, who shall have been in any sea service before they bound themselves apprentices, shall be exempt or protected from his majesty's service.

No apprentice aged eighteen years before bound to be exempt from being impressed.

4 Anne, c. 19. s. 17. and 13 Geo. 2. c. 17. s. 2.

Masters to receive able seamen's pay for apprentices impressed or entering voluntarily.  
2 & 3 Anne,  
c. 6. s. 17.

When such apprentices are impressed, or have entered voluntarily into the king's service, the owners or masters of such apprentices shall be entitled to able seamen's wages for such of them as shall be found duly qualified for the same, notwithstanding their indentures of apprenticeship.

4 Anne, c. 19.  
s. 18.

Watermen on the Thames summoned by the rulers of their company to serve on board the fleet, and not appearing, to be imprisoned for one month, and disabled from working on the Thames for two years.

6 Anne, c. 31.  
s. 2.

Watermen on the Thames belonging to the Insurance Companies are protected from being impressed, not exceeding thirty for each office, and their names being registered at the Admiralty Office.

9 Anne, c. 26.  
s. 1.

Fishermen on the Thames, summoned by their court of assistants to serve in the navy, and neglecting to appear, shall be sent on board, and disabled from fishing on the Thames for two years.

13 Geo. 2. c. 7.  
s. 1.

Persons under eighteen, or above fifty-five years of age, and foreigners serving in merchant ships or privateers, are exempt from being pressed.

Stat. 2.

Landmen using the sea are exempted from being pressed for two years, to be computed from the time of their first going to sea.

Persons not having used the sea, binding themselves apprentices to the sea service, to be exempt from being pressed for three years.

Stat. 3.

The admiralty to grant protections accordingly, without fee.

13 Geo. 3. c. 28.  
s. 5.

No harpooner, line-manager, boat-steerer, or seaman in the *Greenland Fishery* to be pressed ;

and they may sail in the coal trade at other times of the year, giving security to return to the Greenland Fishery. 13 Geo. 2. c. 22.

Seamen in privateers, or trading ships in the plantations, not to be pressed, on penalty of 50l. for every man, except deserters; the penalty to be recovered from the officer pressing such men. 19 Geo. 2. c. 30.  
c. 1.

Masters of privateers and trading vessels, before they enter any seaman, to endeavour to discover whether they have deserted from any of his majesty's ships; and if such masters entertain any deserters on board, they shall forfeit the sum of 50l. for every such deserter. Penalty on masters of ships entertaining deserters.  
Sect. 2.

Masters of privateers and trading vessels to deliver a list of their men, containing their names, ages, and descriptions of their persons, to the chief officer of the customs, at the port of departure in the plantations, on penalty of 10l. for every man whose name shall not be inserted in the list. Sect. 3.

The officer of the customs to return to the master an attested copy of such list, which is to be altered as occasion requires by the naval officer or officers of the customs in any port where the ship arrives. Sect. 4.

The list to be produced to any captains of men of war; and if any deserters be found on board, not mentioned in the list, the master forfeits 50l. for every such man.

In case of threatened or actual invasion of a colony, or other unforeseen necessity, commanders of ships of war there, may, with consent of the governor and council of the colony, press seamen to make up their usual complement. Sect. 7.

29 Geo. 2. c. 30.  
6 7.

Such seamen to be discharged, if they require it, when the service is performed.

50l. Penalty on the captains refusing their discharge.

All persons coming under either of the four following descriptions, employed in the fisheries of these kingdoms, are to be exempted from being impressed ; and the admiralty is to grant them protections without fee or reward, upon affidavits being produced, that they fall within either of the descriptions ; and if afterwards detained by any officer in the navy, except *in the case of an actual invasion of these kingdoms, or imminent danger thereof, signified by some order of his majesty, or his privy council, to the lords of the admiralty,* such officer so detaining him shall forfeit 20l. to the person impressed, if not an apprentice, otherwise to his master.

2 Geo. 3. c. 15.  
f. 23, 24.

**PERSONS described in the ACT 2 Geo. 3. c. 15.  
to be protected by the ADMIRALTY.**

First, Masters of fishing vessels or boats, who either themselves or their owners have, or within six months before applying for a protection, shall have had, one apprentice, or more, under sixteen years of age, bound for five years and employed in fishing on the coasts, or in any of the rivers.

Secondly, All such apprentices, not exceeding four to every master or owner of any fishing vessel, of thirty tons or upwards, and two to every vessel or boat under thirty tons, during the time of their apprenticeship, and until the age of twenty years, they continuing for the time in the business of fishing only.

Thirdly, One mariner, besides the master and apprentices, to every fishing vessel of ten tons or upwards, employed on the sea coast, during his continuance in such service of fishing. 2 Geo. 3. c. 15.

Fourthly, Any landman, entering and employed on board such vessel, for two years from his first going to sea, and to the end of the voyage in which he is then engaged, if he continue so long in such service.

No master or owner of such fishing vessels or boats above described is knowingly to harbour any deserter from his majesty's service, under penalty of 20l. Sect. 25.

No harpooner, line-manager, or boat-steerer, belonging to any vessel fitted out for the Southern whale fishery, shall be impressed from the said service, so long as he belongs to any ship or vessel employed in the same. 26 Geo. 3. c. 50.  
s. 25.

It is said by Mr. Justice Buller, that a ferryman is likewise exempt from being impressed. 5 Term Rep. 277.

It has been determined, in the case of *The King against Rowland Phillips*, who was indicted for murder, that if an officer in the impress service fire with a musquet, as is usual in the navy, to hit the haulyards of any vessel, in order to bring her to, and by that he chance to kill a man, this is not *murder*, but *manslaughter*.



## Insurance, Marine.

**I**T having been found that the making Assurances, interest or no interest, or without further proof of interest than the policy, had been productive of many pernicious practices, whereby great numbers of ships, with their cargoes, had either been fraudulently lost and destroyed, or taken by the enemy in time of war ; and such assurances having encouraged the exportation of wool, and the carrying on many other prohibited and clandestine trades, which by means of such assurances had been concealed, and the parties concerned secured from loss, to the detriment of the public revenue and the injury of fair traders ; and by introducing a mischievous kind of gaming or wagering, under the pretence of assuring the risque on shipping and fair trade, the institution and laudable design of making assurances had been perverted, and that which was intended for the encouragement of trade and navigation, had in many instances become hurtful of, and destructive to the same : An Act was passed, intituled,

19 Geo. 2. c. 37.    “ An Act to regulate Insurance on Ships  
                           “ belonging to the Subjects of Great Britain,  
                           “ and on Merchandizes or Effects laden  
                           “ thereon.”

Sect. 1.            On account of many frauds being committed, no insurance to be made on ships or cargoes, interest or no interest.

Sect. 2. and 3.    Privateers excepted, and effects from the dominions of Spain and Portugal.

Re assurance.  
 Sect. 4.            No re-assurance to be made, unless the assurer be insolvent, become a bankrupt, or die.

All monies lent on *bottomree* or at *respondentia* on vessels to or from the East Indies shall be expressly lent only on the ship and merchandizes, that the lenders may have the benefit of salvage, and who alone may insure; and no borrower to recover more on any insurance than his interest on the ship and merchandize, exclusive of the money borrowed; and if his share do not amount to the money borrowed, he shall in case of loss be answerable to the lender for the difference, with interest.

Conditions for lending sums on bottomree, on ships to and from the East Indies. Sect. 5.

In actions on policies, plaintiff to declare in fifteen days after request, what sums he has insured, and what sums he has borrowed at *respondentia* or *bottomree*.

In all actions plaintiff to declare within 15 days what sums he hath insured. Sect. 6.

Persons sued on policies may pay money into court. Sect. 7.

Owners of ships in the Greenland fishery may insure the bounty. 28 Geo. 2. c. 20. f. 12.

Policies of insurance are to contain the names of the parties insured, the names of the underwriters, the sums insured, and the premium or consideration paid, given, or contracted for, otherwise to be null and void. 35 Geo. 3. c. 63. f. 11.

By the above cited act all former acts, relative to the stamps for insurance policies, are repealed, and new duties imposed. The principal sections of this act relate to the regulations of commissioners, the stamp duty, &c.

Persons making insurances, &c. unless the same be properly stamped; and brokers, &c. acting contrary to this act, to forfeit £500. Sect. 15.

Brokerage, &c. is not legally chargeable unless the policy be properly stamped. Sect. 16.

The remaining sections of this act relate to the recovery and application of penalties, extension of the powers of former stamp acts, punishment for counterfeiting stamps, &c.

<sup>36</sup> Geo. 3. c. 26.  
§ 27. The two offices under the names of THE ROYAL EXCHANGE ASSURANCE OFFICE, and THE LONDON INSURANCE OFFICE, created by charter of Geo. I. c. 18. by the 36th of his present Majesty, c. 26. and 27. still continue offices for insurance of property within his Majesty's dominions, and have a sole and exclusive right to insure *in co-partnership*.

<sup>38</sup> Geo. 3 c. 76  
§ 4. Ships sailing without convoy, or separating from it without leave, insurance with respect to the property of the master or person privy to the offence, to be void.

## Longitude and Improvements in Navigation.

**DISCOVERIES** in these branches of science are of such importance in a commercial and maritime state, that the Legislature has been induced to hold out very liberal rewards, as an encouragement to those who should devote their time and talents to subjects so beneficial to their country.—Not only a very large reward is offered to any person who shall actually discover the longitude (if such discovery be indeed practicable), but certain considerable sums are to be allowed to those who shall approximate within certain limits towards this discovery; and a discretionary power is wisely vested in the commissioners, to bestow large sums as rewards, for such improvements in navigation as shall be deemed of public utility.

Some of these acts relate to the time-pieces of Harrison, which were found to perform with great accuracy. The more recent invention of Mr. Mudge has also been found of considerable advantage, and both have been liberally rewarded; these time-pieces, together with the introduction of the lunar observations, now almost universally adopted in his Majesty's navy, have perhaps brought these enquiries, if not to the precise and absolute attainment of the longitude, to a degree of accuracy sufficient to answer all the necessary purposes of navigation.

The first act for providing a public reward for such person or persons as should discover the longitude by sea after reciting “the great importance of the discovery of the longitude, for the safety and quickness of voyages, the preservation of ships, and the lives of men; and that, in the judgment of able mathematicians and navigators, several methods already discovered, true in theory, though very difficult in practice, some of

which might be capable of improvement, some already discovered might be proposed to the public, and others might be invented hereafter ; but that, besides the great difficulty of the thing itself, partly for the want of some public reward to be settled as an encouragement, and partly for want of money for trials and experiments necessary thereunto, no such inventions or proposals hitherto made had been brought to perfection" ; Enacts as follows :

22 Ann. c. 15.  
s. 2.  
Commissioners  
appointed for  
discovering the  
longitude and  
receiving pro-  
posals.

That the Lord High Admiral of Great Britain, or the First Commissioner of the Admiralty, the Speaker of the House of Commons, the First Commissioner of the Navy, the Admirals of the Red, White, and Blue Squadrons, the Master of the Trinity House, the President of the Royal Society, the Royal Astronomer of Greenwich, the Savilian, Lucasian, and Plumian Professors of the Mathematics in Oxford and Cambridge, all for the time being, together with several others personally mentioned in the act, be constituted commissioners for the discovery of the longitude at sea ; and for examining, trying, and judging of all proposals, experiments, and improvements relating to the same : and that the said commissioners, or any five or more of them, have full power to hear and receive any proposals that shall be made for discovering the longitude ; and in case the said commissioners, or any five of them, shall be satisfied with the discovery, and think proper to try the experiment thereof, they shall certify the same under their hands and seals to the Commissioners of the Navy, together with the names of the authors of such proposals, and upon producing such certificate, the said commissioners are authorised to make out bills for any such sums of money, not ex-

ceeding 2000l. as shall be by them thought necessary for making the experiments, payable by the Treasurer of the Navy, who shall pay the same out of any money that shall be in his hands unapplied for the use of the navy.

The commissioners appointed by this act, or the major part of them, to determine how far, after experiment made, the proposals for discovering the longitude are found practicable, and to what degree of exactness.

12 Ann. c. 15.  
f. 2.  
Commissioners to determine how far any proposals are practicable.

And for a due and sufficient encouragement to any such person as shall discover a proper method for finding the longitude, the first author or discoverer of any such method, his executors, administrators, or assigns, shall be entitled to the following rewards, viz.

Rewards to the first discoverers of the longitude, when and how to be paid.  
Sect. 3.

*Ten thousand pounds*, if the longitude is determined to one degree or sixty geographical miles.

*Fifteen thousand pounds* if determined to two thirds of the above distance. *Twenty thousand pounds* if determined within half the same distance.

One moiety of such reward shall be due and paid when the commissioners, or the major part of them, shall agree that any such method extends to the security of ships within eighty geographical miles from the shores, which are places of the greatest danger; and the other moiety, when a ship, by the appointment of the said commissioners, or the major part of them, shall sail from Great Britain to any port in the West Indies, to be nominated by the said commissioners for such experiment, without losing her longitude beyond the limits before mentioned.

Rewards, when to be paid.  
Sect. 4.

12 Ann. c. 2. § 5.  
Commissioners  
of the Navy  
to make out  
bills upon the  
Treasurer of the  
Navy for pay-  
ment of the re-  
ward.

As soon as any of the above methods shall have been found practicable and useful at sea within the aforesaid limits, the commissioners, or a majority of them, shall certify the same to the Commissioners of the Navy, with the names of the authors of such proposals and discoveries, who shall thereupon make out bills for the payment of the reward, which shall be paid by the Treasurer of the Navy.

The Commis-  
sioners may al-  
low a less sum  
for any useful  
proposal.  
Sect. 6.

Should any proposal be found, on trial, not of so much use as afore-mentioned : yet if the same should on trial, in the judgment of the majority of the said commissioners be found of considerable use to the public, then, and in such case, the author of such discovery shall receive such less reward as the majority of the said commissioners shall think reasonable, to be paid by the Treasurer of the Navy, upon a certificate as in the preceding clause.

The next act for surveying the chief ports and headlands on the coasts of Great Britain and Ireland, &c. in order to the more exact determination of the longitude and latitude, after reciting the preceding act, and,

“ That it is absolutely necessary for making  
“ any discovery of the longitude useful at sea,  
“ and for the security of ships approaching  
“ near the shores, that the chief ports and  
“ headlands of Great Britain and Ireland, and  
“ the Islands and plantations thereto belong-  
“ ing, should be first surveyed, and the longi-  
“ tude and latitude of such places should be  
“ determined more exactly than had hitherto  
“ been done : and some doubts having arisen  
“ whether by the words of the preceding act,  
“ the sum of 2000*l.* appointed for making such  
“ experiments, or any part thereof, could

“ be applied to such survey, or fixing the latitude  
 “ or longitude of such places,” Thus enacts,

The Commissioners for discovering the Longitude, or any five of them, shall have full power to apply such part of the said sum of 2000*l.* as they should think necessary, for the purpose of making surveys of the ports of Great Britain and Ireland; such sums to be paid upon certificate to such persons appointed by the commissioners for such survey, by the Treasurer of the Navy, as provided in the preceding act.

The 2000*l.* allowed for experiments may be employed in making surveys of the ports of Great Britain and Ireland.

By an act to render more effectual the preceding act, 12th Anne, and to enlarge the number of commissioners appointed by the said act, after reciting the preceding acts of Queen Anne and George II. and,

“ That in pursuance of the same, they were  
 “ so far satisfied with the probabilities of the  
 “ proposals which had been made to them at  
 “ different times for the discovery of the longitude, that they had thought it proper to  
 “ make experiments thereof, and accordingly  
 “ certified the same to the Commissioners of  
 “ the Navy, together with the name of *Master*  
 “ *John Harrison*, the author of the said proposals, who had received from the Treasurer  
 “ of the Navy 1250*l.*; and that a like competent number of the Commissioners of Longitude had, in pursuance of the 14 Geo. II.  
 “ c. 39. appointed *Master William Whiston* to  
 “ survey and determine the longitude and latitude of the ports therein mentioned; and did  
 “ also apply the further sum of 500*l.* which  
 “ they thought necessary for making such survey; that in consequence of the preceding  
 “ expenditures the sum of *two hundred and fifty*  
 “ *pounds*, remainder of the aforesaid sum of

\* x 2



“ 2000l. then remained in hand ; that by continuing to encourage ingenious persons to invent and make further experiments to discover the said longitude, such discoveries might at length be produced as would answer that end, and therefore contribute very much to the advantage of the trade and honour of this kingdom ; for enabling therefore the said commissioners to cause such further experiments to be made as they should think proper,

26 Geo. 2. c. 25.  
2000l. given in  
addition to the  
150l. in hand.

The said commissioners, constituted by the 12th Ann. may receive proposals for discovering the longitude—to make experiments—to certify the author's name to the Commissioners of the Navy : and the said commissioners *are to be allowed two thousand pounds over and above the sum of two hundred and fifty pounds remaining in their hands*, to be appropriated to the persons, purposes, &c. as mentioned in the above recited acts of 12th Anne and 26 Geo. II. c. 25.

Additional  
commissioners  
appointed.  
Sect. 2.

The Governor of Greenwich Hospital, the Judge of the Admiralty, the Secretaries of the Treasury, Secretary of the Admiralty, and comptroller of the Navy, for the time being, are joined and added to such of the Commissioners of Longitude appointed by the 12th Ann. as were surviving.

By an act for explaining and rendering more effectual the preceding acts, the preamble of the 3d Geo. III. after reciting all the preceding acts, and

“ That the utility of the invention of the  
“ said *John Harrison* had been proved in a  
“ voyage to Jamaica, under the direction of  
“ the Commissioners of the Longitude and  
“ that by the trial made of the said instrument

“ it had been found of considerable use to the  
 “ public, in consequence of which the said  
 “ commissioners made an order for the pay-  
 “ ment of 2500l. to the said *John Harrison*,  
 “ in manner therein mentioned, viz. 1500l.  
 “ part thereof, immediately, and the remaining  
 “ 1000l. when he, or any person employed by  
 “ him, should return from making a further  
 “ trial in the West Indies; that the said *John*  
 “ *Harrison* would not by any means decline  
 “ any further trial of the instrument or watch  
 “ which he had invented before the principles  
 “ should be made public; but that in con-  
 “ sequence of his then advanced age, the  
 “ weakness of his sight, and the danger of the  
 “ voyage to the health and life of his son, upon  
 “ whom alone the success of the said invention  
 “ would depend; the said commissioners had  
 “ recommended the said *John Harrison* to make  
 “ an application to Parliament, that the said in-  
 “ vention might be made known to the public”;  
 It was enacted,

That upon a discovery by *John Harrison* of the principles of his watch, and the method of constructing it, to the committee, and their publishing the same, and certifying such discovery to the Commissioners of the Navy; they are to make out bills for 5000l. payable to him by the Treasurer of the Navy.

3 Geo. 3 c. 14.  
 5000l. paid to  
 John Harrison.

Where the said instrument appears to be proper for finding the longitude, within the limits of the 12th of Anne; and a majority of the Commissioners of the Longitude shall certify the same; bills are to be made out payable as aforesaid, for the sums granted by the said act, deducting the sums received,

Sec. 2.

3 Geo. 3. c. 14.  
 6. 3. No person or persons other than the said *John Harrison*, to have any reward under the 12th of Anne, for any instrument for keeping time till the merits of *Harrison's* watch be ascertained.

The 5th of Geo. III. explaining and rendering more effectual the preceding acts, recites as follows :

“ That upon a further trial of the afore mentioned watch, or time-keeper, a ship had sailed from Portsmouth to Bridgetown, in Barbadoes, and by means of the said time-keeper of *John Harrison*, the said ship did not lose its longitude beyond TEN GEOGRAPHICAL MILES ; and that the method of finding the longitude at sea, within half a degree, or thirty geographical miles, by the said watch, might be made generally practicable, and of general utility, if the principles upon which the said watch or time-keeper was constructed were fully discovered and explained, and other time-keepers of the same kind made ; but that doubts might arise whether from the words of the statute of Anne the commissioners could direct the payment of the reward of 20,000*l.* to the said *John Harrison*, upon discovery of the principles of the said watch or time-keeper : And that great progress had been made towards discovering the longitude at sea, by a set of lunar tables, constructed by *Johann Mayer*, deceased, late professor at Goettingen in Germany, upon the principles of gravitation laid down by Sir ISAAC NEWTON ; in the construction of which tables he had been greatly assisted from theorems furnished by Professor EULER, of the university of *Berlin* ; which said tables

“ were of considerable use to the public, and  
 “ might be further improved, and rendered of  
 “ more general utility; that the widow or  
 “ other representatives of the said Professor  
 “ *Mayer*, within the intention of the said act,  
 “ were deserving of a public reward upon  
 “ assigning the property of the said tables to  
 “ the commissioners for the use of the public;  
 “ and the said Professor *Euler* was also deserv-  
 “ ing of an honorary and pecuniary reward for  
 “ his useful and ingenious labours towards the  
 “ discovery of the longitude; that it was neces-  
 “ sary that the powers of the preceding acts of  
 “ Queen Anne and George II. should be made  
 “ effectual, as well for receiving the discovery  
 “ and explanation of the principles of the said  
 “ watch, or time-keeper, and for making trial  
 “ of others to be constructed in consequence  
 “ thereof, and paying the reward to the said  
 “ *John Harrison*, and proper rewards to the  
 “ said Professor *Euler*, and to the widow and  
 “ representatives of the said Professor *Mayer*,  
 “ and to such person as should improve the said  
 “ tables of the Moon, and make the same of  
 “ more general utility, and also to such persons  
 “ as shall make other discoveries or improve-  
 “ ments useful to navigation:” Be it enacted,

That 10,000*l.* be paid as a present reward to  
 Mr. *John Harrison*, upon his discovering the  
 principles of his time-keeper, and assigning the  
 property of three of them and the watch for the  
 public; and other 10,000*l.* to be paid when  
 other time-keepers are made, and proved to be  
 sufficiently correct.

5 Geo. 3.  
 10,000*l.* paid to  
 John Harrison,  
 &c.

The above discovery to be made within six  
 months. sec. 1.

Three hundred pounds to professor *Euler*. sec. 3.

\* x 4

5 Geo. 3.  
Sect. 4.

Three thousand pounds to the widow of Professor *Mayer*, upon assigning the property of his latest manuscript Lunar Tables.

Sect. 5.

Five thousand pounds to be paid to any person who shall improve the said tables, or make any discovery or improvement useful to navigation.

Sect. 6.

The rewards of the preceding acts continued, and those of this act to be certified by the Commissioners for the Longitude to the Commissioners of the Navy.

Sect. 7.

Rewards exceeding 1000*l.* to be certified by the majority of the commissioners; if under 1000*l.* by five.

Sect. 8.

Commissioners for the Longitude may administer an oath.

Sect. 9.

The Lowndes Professor of Astronomy (a professorship established subsequent to the preceding act at Cambridge), for the time being, made a joint commissioner.

Sect. 10.

Commissioners to cause nautical almanacks and other useful tables to be constructed, and to print, publish, and vend the same.

Sect. 11.

No person to print, publish, or vend such tables or nautical almanacks, but such as are licensed by the said commissioners, under penalty of 20*l.* for every copy.

By the 14th Geo. III. c. 66. all the preceding acts are repealed, except so much thereof as relates to the appointment and authority of the commissioners thereby constituted; and also such clauses as relate to the constructing, printing, publishing, vending, and licensing of nautical almanacks; and other useful tables.

By the 30th of Geo. III. another commissioner is added. And,

By the 36th of Geo. III. reciting the preceding acts, and,

“ That the sum of 5000l. granted to the  
“ Commissioners for Discovery of the Longi-  
“ tude, being expended; and that it was ex-  
“ pedit to continue the same for the advan-  
“ tage of trade and the honour of the king-  
“ dom, the clauses of the statute of Anne were  
“ re-enacted, *viz.*

That the Commissioners of Longitude should  
certify the probability of success of any pro-  
posal for discovery of the longitude, &c. and  
the reward to the Commissioners of the Navy,  
who are to make a bill upon the Treasurer of  
the Navy, &c.

36 Geo. 3.  
c. 107.

The sums paid for the purposes of making  
such experiments, and rewarding, in a lesser  
degree, lesser discoveries for finding the longi-  
tude at sea, and also other discoveries and  
improvements useful to navigation, shall not  
altogether exceed the sum of 5000l.; such sums  
to be certified, such bills to be made out, and  
payments thereof to be made in the same man-  
ner, and under such regulations and provisions  
as by the 14th of Geo. III. are prescribed with  
regard to the sum of 5000l. by that act appro-  
priated for the reward and encouragement of  
such persons who should make lesser discoveries  
for finding the longitude at sea, or making  
other useful discoveries and improvements in  
navigation, and the better making of experi-  
ments relating thereto.

Sect. 2.  
Sums not to  
exceed 5000l.  
and to be paid  
agreeably to  
14 Geo 3. c. 66.

## Manifest Act, including Bounties and Drawbacks.

**T**HIS act was passed to check the various frauds practised upon the revenue relative to bounties and drawbacks; and its regulations, whether commercially or politically considered, are of high importance.—By the instrument which the master is to sign, appropriately termed a *Manifest*, (containing the name, built of the ship, tonnage, port she belongs to, account of her cargo, marks of packages, &c. &c.) it becomes almost impossible to deceive the officers of the customs; or, should this be attempted by persons sufficiently hardy to incur the penalties of perjury (for the contents of the manifest are to be verified upon oath), from the variety of regulations contained in this act, and shaped to meet perhaps every possible evasion, the offenders could not eventually fail to be detected and brought to justice.

Manifest, containing name and built of the ship, tonnage, port, &c. cargo, and packages.

26 Geo. 3. c. 40.

§ 1.

No goods to be imported into Great Britain in British ships without a manifest, or content in writing, signed by the master, containing the name and built of the ship, her tonnage, the port to which she belongs, and the port where she took in cargo; the master's name, and an account of all the cargo, the different packages, marks, and numbers, with the particulars of what is stowed loose, in words at length.

No wines to be imported without a manifest, distinguishing the quantities, to whom consigned, &c. &c.

Sect. 2.

No wines shall be imported without a manifest, distinguishing the quantity of each different kind, marks, packages, &c. &c. with the names of the persons to whom consigned. Goods required to be accompanied with certificates to have the said manifest likewise, and on failure the goods shall continue to be liable

to all the duties and fines to which they are subject by law. 26 Geo. 3. c. 49.

Ships belonging to Great Britain, and clearing out from any foreign parts for Great Britain, the master shall deliver the manifest to the collector of the customs, or principal officer there, who is to make a duplicate, and indorse on the original his name, and the date on which it was presented to him, returning the original manifest to the master.

Manifest to be delivered to the collector of the customs. Sect. 3.

No wine shall be admitted to an entry in Great Britain, unless the master importing the same verifies, upon oath, the truth, &c. of the contents of the manifest, before the British consul, or other British officer residing at the port of lading.

Contents of the manifest to be verified upon oath. Sect. 4.

Goods or wine imported in British ships without such manifest, or not verified upon oath, the master shall forfeit double the value, together with the full duties payable for the same.

Penalty upon goods imported without manifest. Sect. 5.

Masters of ships arriving within four leagues of the coast, or arriving at the port, to produce a copy of such manifest on demand to any custom-house officer first coming on board, who shall certify on the back of the original the date on which it was produced to him.

Copy of manifest to be produced to the officer of the customs. Sect. 6.

Masters not producing such manifest on demand, or giving a false account of the destination of the ship, in order to avoid the same, shall forfeit double the value of the goods, with the full duties; and officers refusing to certify the production of the manifest shall forfeit 100l.

Penalties. Sect. 7.



26 Geo. 3. c. 40.  
Penalty of break-  
ing bulk before  
arrival at the  
port of delivery.  
Sect. 8.

Ships breaking bulk, or unlading any part of their cargo, within the limits of any port, or within four leagues of the coast, before their arrival at the proper port of delivery, the master and mate shall respectively forfeit 200l. except in cases of distress, or unavoidable accident, of which notice to be given to the collector of the next port, and the master, with two or more mariners, to make proof upon oath before such collector.

Packages stow-  
ed in the cabin  
or steerage to be  
marked by the  
officer of the  
customs.  
Sect. 9.

Upon the arrival of any ship at the port of delivery, and the officer who first boards her finding any goods which are unavoidably stowed in the cabin, steerage, or any other place out of the main hold, he shall mark or seal such packages as shall be directed by the commissioners of the customs, which are not to be altered or broken till the goods are landed.

Penalty on al-  
tering marks.  
Sect. 10.

The master or crew of such ship altering the marks, or breaking such seals, shall for each offence forfeit 200l.

Master to make  
entries within  
twenty-four  
hours after ar-  
rival in port, &c.  
Neglecting to  
deliver the ma-  
nifest shall for-  
feit 200l.  
Sect. 11.

Within twenty-four hours after a ship's arrival in port, the master is to make entry upon oath of the built, burthen, contents, and lading, marks, numbers, &c. as directed by 13 and 14 Car. II. entitled, "*An Act for preventing Frauds, and regulating Abuses in the Customs,*" under penalty of 100l.; and the said master, at the time of making such entry, neglecting to deliver the manifest, shall forfeit 200l.

Penalties upon  
cargo varying  
from manifest.  
Sect. 12.

Any packages whatever, reported by the master, not being found on board the ship, or the goods reported not agreeing with the manifest, or if either the report or manifest shall not agree with the cargo, the master to forfeit

2001. Goods imported without manifests, or not agreeing therewith, and it appearing to the commissioners of the customs that the cargo was shipped in foreign parts, and no part of it unloaded since taken on board, and that the manifest has been lost or mislaid without fraud, &c. or defaced by accident, or incorrect by mistake, the forfeitures shall not be incurred. Goods taken in from necessity after the manifest is attested in manner before directed, the master to get a separate manifest of such goods made out: in such case the penalties shall not be incurred, provided the urgent necessity of taking such goods on board is obvious and satisfactory to the commissioners.

26 Geo 3. c. 40.  
In what cases penalties not to be incurred.  
Sect. 12.

After the arrival of such ship within the limits of any port, or four leagues of the coast, with goods so taken on board, or after the first production of the manifest (whether the goods are inserted or not), and they shall be thrown overboard, staved, or in any manner destroyed (except by unavoidable necessity, proof of which shall be made to the satisfaction of the commissioner), the master to forfeit 200l.

Penalty upon goods thrown overboard or staved.  
Sect. 13.

Every proprietor of goods imported into Great Britain, to make a due entry of the same within twenty days after the master has made his report at the custom-house, and pay the full duties; and if not paid within three months, the goods are to be sold; but not to extend to the selling of goods entered and warehoused on board, on security being given for the duties due thereon.

Proprietors of goods imported to make an entry thereof within twenty days.  
Sect. 14.

No officer of the customs to permit any ship to be cleared out for foreign parts till the master and mate have given security by bond

Masters of ships to give bond that they will not fraudulently import or land goods. Sect. 15.

26 Geo. 3. c. 40. in 200l. with condition that they will not fraudulently import or land goods, &c. or till the master has produced a certificate from the collector of some other port, that such security has been before given.

Quantities and qualities of goods to be verified by the master.  
Sect. 16.

No drawback, bounty, &c. shall be allowed if the goods are in bales, press-packed, unless the different quantities and qualities shall be verified by the master, packer, or foreman, in the following manner, viz. if the goods are packed within ten miles of the port, then by oath made upon the entry or cocquet before the collector, &c.; and if packed at a greater distance, then on the like oath before some justice of the peace for the county where the packer resides.

Cocquets to be delivered to officer of the customs, under penalty of 100l.  
Sect. 17.

Masters of ships having goods for exportation shall, upon demand, deliver the cocquets to officers of the customs, either within the limits of any port or within four leagues of the coast, under penalty of 100l.; and such officers, finding any goods on board not corresponding with the cocquets, are to seize the same, which shall be forfeited; or not finding goods on board that are in the cocquet, the master to forfeit 20l. for every packet not found.

Entries to be made in the names of the proprietors before any bounty or drawback is to be obtained.  
Sect. 18.

No entry shall pass, nor any debenture be made out, on goods entitled to drawback or bounty upon exportation, but in the name of the real proprietors, if resident in Great Britain, who shall, before receipt of the drawback or bounty, verify by oath, that they are the real proprietors of such goods, which are really exported to foreign parts, and have not been re-landed in Great Britain. Not to extend to prevent agents of corporations or companies from making oath to entitle such corpo-

ration to any drawback on exportation of goods, 26 Geo. 3. c. 46. nor the proprietors of any lands in the British plantations, &c. nor the agent of any person residing upwards of twenty miles from the port, provided that such agent testify upon oath the names of the real proprietors, with their place of abode, and, if required, give good and sufficient reason for his knowledge of the place to which the goods are to be exported.

From the 29th of September 1786 no bounty shall be paid for goods exported to Ireland, and no drawback shall be allowed for goods exported to Ireland, Guernsey, and Jersey, until a certificate shall be produced from the collector of the customs of those places, that such goods have been landed at those places.

No bounty or drawback upon goods exported without certificate from collector that such goods were landed.  
Sect. 19.

No goods, entitled to either drawback, bounty, or premium, shall be put on board any ship or vessel for exportation by any persons except such as shall have license from the commissioners, for the actual delivery of the whole of the goods, to the officers of the revenue stationed on board, who are to give full information to the master in writing, for the better enabling him to give notice as required by this act previous to his clearing out.

No goods to be put on board, except by persons licensed.  
Sect. 20.

The commissioners of the customs to grant such license to every person who is by law entitled to put such goods on board, and who shall give such security as shall be deemed necessary, and to no other person whatever.

Commissioners of the customs to grant licenses, &c.  
Sect. 21.

The master of any ship or vessel from foreign parts is not to pass the usual places without *bringing to*, and receiving the revenue officers on board; or, being outward bound, shall not presume to pass without *bringing to*, and setting the officers on shore, unless by distress of

Masters of ships to receive and put ashore officers of the customs.  
Sect. 22.

3 Geo. 3. c. 40. weather, or other accident, to be made appear to the commissioners. Forfeiture for every offence 100l.

Officers authorised to examine ships may break open locks, &c.  
Sect. 23.

All officers authorised to examine ships or goods, to have free access to the cabin, and every other part of the ship, and finding any place locked, or any chest, box, &c. of which the keys are not produced, and not opened to them, on their requiring the same of the master, they are (if a degree superior to tide-men or watermen) authorised to open the same, in the best manner they can, and are hereby indemnified for so doing; and, if tide-men or watermen, they are to send for their superior officer.

No goods from beyond the Cape of Good Hope to be brought to London or Westminster without certificate from the collector of the customs that the duties have been paid.  
Sect. 24.

No goods of the growth, produce, or manufacture of countries beyond the Cape of Good Hope, shall be brought to London or Westminster, either by land or water, without a certificate from the collector of the customs in London, certifying that the duties have been paid on importation, or that they have been compounded for, or condemned, which shall be verified by the oath of the proprietor, referring to the time when such goods were entered, &c. under forfeiture of goods, boats, carts, horses, &c. &c. used in the transporting or conveying such goods.

Penalties.

Sect. 25.

In case of any dispute touching the place to which such goods were removing, the proof of removal to be on the claimer of the goods, not the officer.

In what case not to be forfeited.  
Sect. 26.

But if it shall appear to the commissioners, that the goods so found removing were brought in a lawful and open way of trade, or are the property of private persons, and have been used as domestic furniture, they shall not be forfeited.

Commanders of king's ships, or any commissioned, warrant, or petty officer, specially authorised, may seize any ship, goods, &c. without deputation from the commissioners of the customs, which shall be subject to forfeiture; provided such commander, &c. bring the seizure to his Majesty's warehouse at the nearest custom house, and there deposit the same, in custody of the proper officers, and shall conform to all the rules to which officers of the customs are subject on such occasions.

3 Geo. 3 c. 40.  
Commanders of  
king's ships,  
commissioned,  
warrant, or  
petty officers,  
specially autho-  
rised, may seize  
ships, goods, &c.  
subject to for-  
feiture.  
Sect. 27.

Persons, examined as witnesses, to deliver their testimony upon oath, to be administered by the surveyor-general, who shall examine them.

Witnesses to be  
examined on  
oath.  
Sect. 28.

Persons making a false oath, or giving false evidence, to be deemed guilty of perjury.

Sect. 29.

The remaining sections of this act, viz, 30, 31, 32, and 33, relate to the mode of prosecution for the penalties incurred by this act.

## Mediterranean Passes.

**T**HE following short act appears in the statutes of the Admiralty relative to the counterfeiting, altering, forging, &c. Mediterranean or other passes.

4 Geo. 2. c. 18.  
f. 1.

Persons counter-  
feiting, altering,  
or forging Me-  
diterranean  
passes, to suffer  
death without  
benefit of cler-  
gy.

If any person or persons, in his Majesty's dominions, or without, shall falsely make, forge, or counterfeit, or cause to be falsely made, forged, or counterfeited, any pass or passes for any ship, called a Mediterranean pass—or shall alter or erase, any true and authentic pass, issued or made out by the Lord High Admiral of Great Britain and Ireland, or the commissioners for executing the said office, or shall utter or publish as true any such false or forged, altered or erased pass, every such person shall be adjudged guilty of felony, and shall suffer death, as in cases of felony, without benefit of clergy.

Offences against  
this act may be  
tried in any  
county in Great  
Britain.  
Sect. 2.

All crimes and offences before mentioned, which shall be committed in any country or place out of Great Britain, either within the dominions of his Majesty, or, without, shall and may be tried, heard, determined, and adjudged in any shire or county of Great Britain by virtue of the king's commission of *oyer and terminer* and gaol delivery, or before any court of judicatory in Scotland, in the same manner as if such offence were committed within the same county or shire where such offender shall be tried.

## Navigation, and Plantations.

THE present flourishing condition of our marine, is in a great measure owing to the salutary regulations of the Navigation and Plantation Acts; the rudiments of which were first framed during the government of the Long Parliament. Prior to that period we find only one statute during the reign of Richard the Second \*, which had for its leading features the increase of shipping, and the augmentation of our navy: but by a subsequent statute in the same reign † the regulations and provisions thereby made were enervated. At the period the Commonwealth Parliament framed the Navigation Act, there prevailed sentiments of animosity against the Dutch, jealousy against some of our colonies disaffected to the Parliament, and other political considerations; all of these ultimately tended to establish some commercial regulations in this act, which now appear to have been dictated by the soundest policy and most deliberate wisdom. The first outlines of this act, framed in 1650 by the Commonwealth Parliament, prohibited all ships of foreign nations from trading with any English plantations, without license from the council of state ‡. In the following year the prohibition was extended likewise to the mother-country, and no goods were suffered to be imported into England, or any of its dependencies, in any other than English bottoms, or in the ships of that European nation, of which the merchandize imported was the genuine growth or manufacture §. At the Restoration the former provisions and regulations were continued with sundry important improvements ||, which have been further enforced and rendered more effectual by statutes in the reign of his present

\* 5 Rich. 2. c. 3.

† 6 Rich. 2. c. 8.

‡ Modern Un. Hist. XII. 289.

§ Scobell. 176.

|| 12 Car. 2. c. 18.

13 Car. 2. st. 1. c. 14.

22 & 23 C. 2. c. 22. & 26.



Majesty\*. Prior to these regulations the greater part of the trade of our colonies had been monopolized by the Dutch, who by reason of the low interest of money in Holland, the magnitude of their stock, the number of their ships, and the reasonableness of their import and export duties, could afford to buy at the dearest, and sell at the cheapest rate. Thus they seized upon the profits of a variety of productions which they had neither planted nor gathered†. The Navigation Act remedied these evils, by excluding all foreign ships from entering the harbours of the English colonies, which consequently obliged their principal produce to be exported directly to the countries under the dominion of England. The Government, though aware of the inconveniences of such an exclusion, was not alarmed at it; but, considered the empire only as a tree, whose sap must be turned back to the trunk, when it flows too freely to some of the branches. The Act of Navigation very properly aims, principally, at giving the sailors and shipping of Great Britain the monopoly of the trade of their own country, in some cases by absolute prohibition, and in others by heavy duties upon the shipping of foreign countries. Its leading features chiefly are :

1st. Prohibiting all ships, of which the owners, masters, and three-fourths of the mariners are not British subjects, from trading to the British settlements and plantations, or being employed in the coasting trade of Great Britain.

2d. Allowing a great variety of the most bulky articles to be imported, either in such ships above mentioned, or in ships of the country where those goods are produced, and of which the masters, and three-fourths of the mariners are of that particular country : but in such latter case, they are subject to double Aliens' Duty. And if such goods or commodities are imported in ships of any other country, the penalty is forfeiture of the ship and goods.

\* 26 Geo. 3. c. 63. and 27 Geo. 3. c. 19. Vide Abr. of Sections of these Acts.

† Raynal's Philo. and Pol. History, Vol. IV. p. 311.

3d. A great variety of the most bulky articles of importation, such as masts, timber, boards, foreign salt, pitch, tar, rosin, hemp, &c. are prohibited from being imported, even in British ships, from any country but that of which they are the growth and production, under pain of forfeiting ship and cargo \*.

4th. Any sort of ling, stockfish, pilchards, or any other kind of dried or salted fish, usually fished for, and caught by the people of England; or any whale-fins, whale-bones, oil, and blubber, not having been caught by and cured, saved, and dried, on board British vessels, when imported into Great Britain, are subjected to double Aliens' Duty.

From hence it is obvious, that the regulations of this act did most effectually exclude the Dutch from being carriers of goods to Great Britain, as well as importing to us the goods of any other European country. That they likewise clipped a considerable branch of the Dutch opulence, by excluding British ships from loading in Holland the goods of any other European country, Holland being at that time the great emporium for all European goods. And these regulations likewise affected most essentially their resources, in supplying foreign nations with fish, as being at that time the only fishing state in Europe.

The Act of Navigation, however, a learned writer observes †, “ is not favourable to foreign commerce, or to the growth of that opulence which can arise from it. The interest of a nation in its commercial relations to foreign nations, is like that of a merchant with regard to the different people with whom he deals, to buy as cheap, and to sell as dear as possible : but it will be most likely to buy cheap, when by the most perfect freedom of trade, it encourages all nations to bring to it, the goods which it has occasion to purchase ; and for

\* But see Note, page 328. † Smith's *Wealth of Nations*, Vol. II. p. 195.

“ the same reason, it will be most likely to sell dear when  
 “ its markets are thus filled with the greatest numbers of  
 “ buyers. The Act of Navigation, it is true, lays no  
 “ burden upon foreign ships that come to export the pro-  
 “ duce of British industry. Even the ancient Aliens’ Duty,  
 “ which used to be paid upon all goods exported, as well  
 “ as imported, has by several subsequent acts been taken  
 “ off from the greater part of the articles of exportation.  
 “ But, if foreigners, either by prohibitions or high duties,  
 “ are hindered from coming to sell, they cannot always  
 “ afford to come to buy ; because, coming without a  
 “ cargo, they must lose the freight from their own country  
 “ to Great Britain. By diminishing the number of sellers,  
 “ therefore, we necessarily diminish that of buyers, and  
 “ are thus likely, not only to buy foreign goods dearer,  
 “ but to sell our own cheaper, than if there was a more  
 “ perfect freedom of trade.” But as the defence and safety  
 of Great Britain depends much upon the number of its  
 sailors and shipping, and which is an object of much greater  
 importance than the opulence which might be naturally  
 derived from an unlimited trade to the colonies ; the Acts  
 of Navigation, in this view of them, upon a due considera-  
 tion of their absolute and relative advantages and disadvan-  
 tages, will be found, perhaps, to contain the wisest of all  
 the commercial regulations of Great Britain.

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With a view of augmenting the navy of England, then  
 greatly diminished, It was enacted,

5 Rich. 2. c. 3. That none of the king’s liege people should  
 ship any merchandize, out of or into the realm,  
 but only in ships of the king’s ligeance, on pain  
 of forfeiture.

6. Rich. c. 8. Merchants were only obliged to give English  
 ships (if able and sufficient) the preference in  
 shipping of goods or merchandize out of or  
 into the realm.

No goods or commodities whatsoever shall be imported into, or exported out of, any of the English plantations or territories in *Asia*, *Africa*, or *America*, in any other ships or vessels, but such as do truly belong to the people of England, Ireland, dominion of Wales, or town of Berwick-upon-Tweed, and to be navigated with a master, and at least three-fourths of the mariners English, under the penalty of forfeiting ship and cargo \*.

12 Car. 2. c. 18.  
f. 1.

No goods to be exported or imported, unless in vessels truly belonging to the people of England, and navigated with a master and 3-4ths of the mariners English.

No alien or person born out of the allegiance of his Majesty, who is not naturalized, or made a free denizen, shall act as a merchant or factor in any of the plantations, upon pain of the forfeiture and loss of all his goods and chattels †.

No person not naturalized, to act as a merchant or factor in any of the plantations.  
Sect. 2.

Governors of plantations to take oaths for the observance of the Navigation Act.

No goods or commodities whatever, of the growth, production, or manufacture of *Africa*, *Asia*, or *America*, shall be imported into England, Ireland, Wales, islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in any other ships or vessels but such as do truly and without fraud belong to the said islands, plantations, or territories, and whereof the master and three-fourths at least of the mariners are English, under the penalty of forfeiting ship and cargo.

No goods, the produce of *Africa*, *Asia*, or *America*, to be imported into the British dominions, unless 3-4ths of the mariners are English.  
Sect. 3.

No goods or commodities of a foreign growth or manufacture, which are to be

Sect. 4.

\* By the 34th Geo. 3. c. 42. f. 6. aliens, not naturalized nor made denizens, who shall reside in any island or place which has, or may hereafter, surrender and be in his Majesty's possession, in the West Indies, and who shall have taken the oath of fidelity and allegiance, may exercise the trade and occupation of a merchant or factor in any such island or place.

† But see 33 and 37 Geo. 3. c. 26. and 117.

\* Y 4

brought into England, Ireland, &c. in ships belonging to his Majesty's subjects as afore-said, shall be shipped or brought from any other places, but from the places of their manufacture and growth \*, upon forfeiture of ship and goods †.

14 Car. 2. c. 18.  
s. 5.  
Fish imported in  
foreign bottoms  
to pay double  
aliens' duty.

Any sort of ling, stockfish, pilchards, cod, herrings or any other kind of dried or salted fish ‡, or any fish, oil, blubber, whale-fins, or whale-bones ||, imported in foreign ships, shall pay double aliens customs.

No vessel to car-  
ry goods from  
one British port  
to another, un-  
less navigated by  
3-4ths English  
sailors.  
Sect. 6.

No vessel, in which any stranger (not denizenized or naturalized) is an owner, or that is navigated by a master and three-fourths English sailors, shall carry goods or commodities from one port of Great Britain, &c. to another, under the forfeiture of ship and cargo.

\* See an Act passed in the last session, (39 Geo. 3. c. 57.) entitled, "An Act for indemnifying Governors of the West India Islands, who have permitted the Importation and Exportation of Goods and Commodities in Foreign Bottoms."—See also the 39 Geo. 3. c. 95. relative to American produce—the 39 Geo. 3. c. 77. allowing the importation of Spanish wool, in ships belonging to countries in amity with his Majesty—the 39 Geo. 3. c. 113. permitting the importation of naval stores from Hamburgh and other ports in Germany; and an Act to enable his Majesty, by an order in council, to permit, until six weeks after the commencement of the next session of parliament, such goods as shall be specified in such order, to be imported into this kingdom in neutral ships.

† But by 2 W. and M. sess. 1. c. 9. *brown fish*, the produce of Turkey, Persia, East Indies, China, or any other country except Italy, Sicily, or Naples, is prohibited from being imported; and by 7 Anne, c. 8. s. 12. *Jesuit's bark, sarsaparilla, and balsam of Tolu and Peru*, and all other *American drugs*, may be imported from any of the American plantations, though not the place of their growth. 1 Geo. 1. st. 2. c. 18. s. 10.

‡ Fish, except stock-fish, live eels, anchovies, sturgeon, botargo, or caviar, foreign taken, and imported in foreign ships, forfeited, and the ship, 10 & 11 W. 3. c. 24. s. 13. 14.—Lobsters and turbot may be imported by foreigners. 1 Geo. 1. st. 2. c. 18. s. 10.

|| Foreigners, resident in England, may, during their residence, trade to Greenland, Newfoundland, &c. and import oil, blubber, and furs, free of duty. 25 Geo. 2.

Where any case, abatement, or privilege is given in the book of rates, to goods or commodities imported or exported in British built shipping, it is always to be understood that such ships are to be navigated with a master and three-fourths of the sailors English; and the true meaning in such cases is, that they be such during the whole voyage, unless in case of sickness, death, or being taken prisoners, to be proved by the master or other chief officer of such ship,

12 Car. 2. c. 18.  
s. 7.  
Ships to be entitled to privileges, &c. must be navigated during the whole of the voyage by a master and 3-4ths of the sailors English.

No goods or commodities of the growth, production, or manufacture of Muscovy or Russia, or any sort of masts, timber, or boards, foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, nor any sort of corn or grain, sugar, pot-ashes, wines, vinegar, or spirits, shall be imported into Great Britain in any ships except British, and navigated as before-mentioned; and no currants, nor any other commodities, of the growth or manufacture of Turkey, shall be imported but in British built ships, except only such foreign ships as are of the built of that country or place of which the said goods are the growth or manufacture, or of such port where such goods are usually shipped, and whereof the master and at least three-fourths of the seamen are of the said country or place, under forfeiture of ship and goods\*.

No goods, the produce of Russia, to be imported but in British ships, navigated as aforesaid; nor any produce of Turkey, except such foreign ships as are of the built of the country of which the said goods are the growth or manufacture, and whereof the master and 3 4ths of the seamen are of the said country, under forfeiture of ship and goods.  
Sect. 8.

\* By 37 Geo. 3. c. 84. this clause has been thus modified, to continue till three months from the conclusion of the present war, viz. Persons who are free of the Turkey Company may import goods which have been heretofore imported from Turkey, Egypt, &c. or any of the dominions of the Grand Seignior within the Levant Seas from any place whatsoever; and goods which have heretofore been usually imported from places within the Straits of Gibraltar, (except the goods mentioned in the preceding paragraph from the Grand Seignior's dominions,) may be imported by any persons whatsoever, in ships either British built, or belonging to any state in amity with Great Britain.

22 Car. 2. c. 18.

§. 9.

Wines, the growth of France, and Germany, and Spain, Portugal, or Madeira, &c. currants and Turkey commodities, imported in other than British ships, so navigated, to be deemed aliens' goods, and pay accordingly.

In order to prevent the frauds daily used in colouring and concealing of aliens' goods, all wines of the growth of France or Germany, imported into any part of Great Britain in any other but British ships, and navigated with British mariners, shall be deemed aliens' goods, and pay customs accordingly. And all sorts of masts, timber, &c. as also foreign salt, pitch, tar, &c. &c. wines of the growth of Spain, the Canaries, Portugal, Madeira, or Western Islands, and all goods of the growth and manufacture of Muscovy, imported into Great Britain, in other than British ships, and so navigated, and all currants and Turkey commodities, shall be deemed aliens' goods, and pay accordingly.

The regulations contained in the 10th and 11th sections of this act, relative to the purchasing of foreign ships, and the requisites for their being deemed English ships, have been repealed by the 26th Geo. III. c. 60.

How far the importation of commodities from the Straits or the Levant, shall be exempt from this act. Sect. 12.

Nothing in this act shall extend to restrain or prohibit the importation of any of the commodities of the Straits or Levant Seas, in English ships, whereof the master and at least three-fourths of the mariners are English, from the usual ports or places, for lading of them heretofore, though the commodities be not of the growth of such places.

Not to extend to East India commodities. Sect. 15.

This act not to extend to restrain the importation of any East India commodities\*, in English ships navigated as aforesaid, from the usual places for lading them, in any part of those seas, to the southward and eastward of

\* In part repealed, so far as it extends to the importation of raw silk and Mohair yarn, the production of A. 1. 6 Geo. 1. c. 14.

the Cape of Good Hope, although the said ports be not the very places of their growth. 12 Car. 2. c. 12.

British subjects may import in British built ships, navigated by a master and three-fourths English seamen, all sorts of goods and commodities of the growth or manufacture of Spain \*, Portugal, the Azores, Madeira, or Canary islands. Secl. 14.

This act not to extend to bullion, nor yet to any goods taken, or that shall be *bona fide* taken, by way of reprisal by any English ship navigated as before mentioned, and having a commission from his majesty. Bullion and prize goods not within this act. Secl. 15.

This act not to extend to impose any aliens' duty upon any corn of the growth of Scotland †, or any salt made there, or any fish caught and cured by the people of that kingdom, and imported thither directly in Scotch built vessels, whereof the master and three-fourths of the mariners are his Majesty's subjects; nor to any seal oil of Russia, imported thence into England, Ireland, &c. in shipping thereunto belonging, and navigated as above-mentioned. Every vessel belonging to any French subject, which shall come into England, Ireland, &c. and there load and unload goods, or take in or send on shore any passengers, shall pay to the collector of the customs in such port for every ton of the ship's burthen, to be computed by the officer thereunto appointed, the sum of 5s. and no such ship to be suffered to depart out of such port, &c. until the said duty be fully paid ‡. No aliens' duty upon corn, salt, or fish, imported into Scotland. Secl. 16.

\* By the 6th Anne, c. 33 made perpetual by the 12th Anne, st. 1. c. 18. †. 3. cochineal may be brought from Spain in any ships in amity.

† Scotch ships and subjects, by the Act of Union, are accounted British 5 Anne, c. 8.

‡ By the 11th Article of the Treaty of Utrecht, 31st March, 1713.



12 Car. 2. c. 18.  
Produce of English plantations abroad to be conveyed directly to other English plantations or to Great Britain, Ireland, &c.  
Sect. 18.

No sugars, tobacco, cotton, wool, indigo, ginger, fustick or other dying wood, of the growth or manufacture of any English plantations in America, Asia, or Africa, shall be carried from any of these places to any place whatsoever except to other English plantations, or to Great Britain, Ireland, &c. under forfeiture of ship and goods \*.

23 Car. 2. c. 26.  
f. 11.  
3 & 4 Anne, c. 5.  
f. 12.

8 Geo. 1. c. 18.  
f. 22.

Bonds to be given to the officers of the customs, that goods brought from the British plantations shall be conveyed to other plantations, or to some port of Great Britain.

Officers of the customs abroad to return bonds annually to custom-house at home.

And for every ship which shall set out from England, Ireland, &c. for any English plantation, sufficient bond shall be given, with one surety, to the chief officers of the customs of the port from whence she sails, to the value of 1000*l.* if the ship is of less burthen than one hundred tons, and 2000*l.* if greater burthen; that in case the ship shall load any of the said commodities at any of the English plantations, they shall be brought by the said ship to some port in Great Britain, to be there unloaded, the danger of the seas only excepted. And all ships coming from any other port or place to the plantations, which by this act are permitted to trade there, that the governor of such plantation shall, before the ship be permitted to load any of the commodities, take bond in the manner and value aforesaid, that such ship shall carry the goods to some other English plantation, or to England, Ireland, &c.; and that every ship which shall load any of the aforesaid goods, until such bond be given to the governor, or certificate produced from the officers of any custom-house in England, &c. that such bonds have been there duly given; shall be forfeited; and the said governor shall, twice in every year, return true copies of all such bonds to the chief officer of the customs in London.

\* Not extended to Ireland. Extended to rice and molasses; and to co., per ore.

The preceding sections of this act are confirmed by 13 Car. II. st. 1. c. 14. 12 Car. 2. c. 18. f. 9.

The word Ireland is directed to be left out of the bonds mentioned in the preceding section. 22 & 23 Car. 2. c. 26. f. 11.

The governors of plantations, &c. are directed to return true copies of bonds to the chief officer of the customs in London once every year. Sect. 12.

Foreigners resident in England may, during their residence, trade to Greenland, Newfoundland, &c. and import oil, blubber, and whale fins, free of duty \*. 25 Car. 2. c. 1. f. 1.

Any ship or vessel which by law may trade to the British plantations, taking in goods in any of them without first giving bond that such goods shall be brought to Great Britain, and no other place, the goods so put on board shall be liable to the following duties, viz. *white sugar the hundred weight, containing one hundred and twelve pounds, 5s. and brown sugar 1s. 6d. the hundred weight; tobacco 1d. per pound; cotton wool  $\frac{1}{2}$ d. the pound; indigo 2d. per pound; ginger 1s. the hundred weight; logwood 5l. per hundred weight; fustick, and all other dying wood, 6d. per hundred weight; and cocoa nuts 1d. per pound; to be levied, collected, and paid at such places, to the collectors and other officers appointed in the plantations to receive the same, before the lading thereof, and under such penalties, both to officers and goods, as for non-payment, or defrauding his majesty of his customs in England.* Duties payable upon white and brown sugars, tobacco, cotton, wool, indigo, ginger, logwood, fustick, and cocoa nuts, imported from the British plantations without giving bonds that such goods shall be directly imported to Great Britain. Sect. 2.

Goods not to be imported or exported to or from the plantations but in ships built in England, but in British ships, navigated by master and three-fourths prizes, &c. under penalty of forfeiture. 7 & 8 Will. 3. c. 2. f. 2, 3. No goods to be imported or exported from the English, except

\* Extended to all other goods by 6 Geo. 3. c. 52. f. 30.

7 & 8 Will. 3. land, Ireland, or the plantations, owned by  
 c. 2. s. 2, 3. British subjects, and having the master and  
 three-fourths of the crew of the said places  
 (except prizes navigated in the same manner),  
 under forfeiture of ship and goods, one-third to  
 the king, one-third to the governor, and the  
 other to the informer.

Ships coming  
 into or going out  
 of the planta-  
 tions liable to  
 the same regu-  
 lation as in Eng-  
 land, and offi-  
 cers of the cus-  
 toms have the  
 same authority  
 to search and  
 seize, &c. Ob-  
 structing officers  
 liable to the same  
 penalties as in  
 England.  
 7 & 8 Will. 3.  
 c. 22. s. 26.

All ships coming into or going out of the  
 plantations are liable to the same rules, visita-  
 tions, searches, penalties, and forfeitures, as  
 ships in England, &c.; and the officers of the  
 revenue there shall have the same power and  
 authority to search ships, take their entries, and  
 to seize prohibited goods, as officers of the  
 customs in England. Wharfingers, owners of  
 keys and wharfs, or any lighterman, bargemen,  
 watermen, porters, or other persons, conveying  
 or concealing any prohibited goods, or rescuing  
 them, or hindering or resisting any officers in  
 their duty, shall be subject to the like penalties  
 as are provided in relation to prohibited and  
 uncustomed goods in this kingdom, and the  
 like assistance shall be given to the officers in  
 execution of their duty as provided by 23 and  
 24 Car. 2. c. 22.; and the officers subject  
 to the same penalties for any corruption, fraud,  
 connivance, &c. as the officers of the customs  
 in England.

Goods not to be  
 shipped, al-  
 though duties  
 paid, until the  
 security required  
 by 12 Car. 2. c.  
 23. and 22 & 23  
 c. 26. under pe-  
 nalty of forfeit-  
 ure.  
 Sect. 2.

Though the duties are paid in the planta-  
 tions for goods, yet they shall not be shipped  
 until security be given as required by 12 Car.  
 2. c. 18. and 22 and 23 Car. 2. c. 26. that  
 the goods shall be carried to England, or to  
 some other British plantation, under forfeiture  
 of ship and goods.

All laws, bye-laws, &c. in the plantations, which are in any ways repugnant to this present act, so far as they relate to the plantations, are null and void.

Bye-laws in the plantations repugnant to this act are null and void.

7 & 8 Will 3. c. 22. s. 9.

In cases where the governor, or officers appointed by the commissioners of the customs in the plantations, shall have reasonable ground to suspect that the certificates of having given security in England are false or counterfeit, the governor or the said officers shall require and take a sufficient security there for the discharge of the plantation lading in England, which security is not to be cancelled until they shall be informed from the commissioners of the customs in England that the said certificate is true; and any persons counterfeiting, razing, or falsifying any cocquet, certificate, return, or permit, or knowingly making use thereof, shall forfeit 500*l*.

Certificates suspected to be false, sufficient security to be given for the discharge of the plantation lading in England.

Persons counterfeiting, razing, or falsifying any cocquets, &c. to forfeit 500*l*. Sect. 10.

Upon any actions, suits, and informations, that shall be brought, commenced, or entered in the said plantations, concerning any duties, or ships, or goods to be forfeited, there shall not be any jury but of such only as are natives of England or Ireland, or are born in his majesty's plantations; and the offence may be laid in any colony, province, &c. &c. in the said plantations, at the pleasure of the officer or informer.

In actions commenced in the plantations concerning duties on ships or goods forfeited, the jury to be natives of England or Ireland, or born in the plantations.

Offences may be laid in any colony of said plantations, at the pleasure of the informer. Sect. 11.

Sureties in bonds given or taken in plantations to be persons of known residence and ability in the said plantations: and the condition of the bonds shall be within eighteen

Sureties in bonds to be persons of known residence and ability in the plantations.

bonds, to produce certificate within eighteen months of having goods therein mentioned. Copies of bonds to be admitted as evidence.

Condition of discharged the Sect. 13.

7 & 8 Will. 3. 3. months after the date thereof (danger of the  
c. 22. f. 13. seas excepted) to produce certificate of having  
landed and discharged the goods therein men-  
tioned in one of his majesty's plantations, or in  
England, otherwise such bond, or copies there-  
of, being attested under the hand and seal of  
the governor or commander in chief to whom  
such bonds were given, shall be in force, and  
allowed of in any court in England, Ireland,  
or the plantations, as if the original had been  
produced.

11 & 12 Will. 3. All fish, except stock fish, live eels, ancho-  
r. 24. f. 13, 14- vies, sturgeon, botargo, or cavear, taken and  
imported in foreign ships, such ships shall be  
forfeited.

1 Geo. 1. ft. 2. Lobsters and turbot may be imported by fo-  
c. 18. f. 20. reigners.

Plantation bonds All plantation bonds entered into in Eng-  
conditioned to land shall be with condition, that within eigh-  
produce certifi- teen months from the date thereof (the danger  
cate that goods of the seas excepted) a certificate shall be pro-  
were landed in duced from the collector and comptroller of the  
England within port where the goods shall be delivered, that  
eighteen months they have been there landed and discharged,  
are forfeited if otherwise such bonds will be forfeited, and  
no such certifi- may be sued for in his Majesty's Court of Ex-  
cate be pro- chequer in England, Scotland, or Ireland.  
duced, and pe-  
nalties may be  
sued for in the  
exchequer, &c.

15 Geo. 2. c. 31.  
f. 6.

Seamen in pri-  
vateers and trad-  
ing ships in the  
plantations not  
to be impressed,  
under penalty of  
50l.

19 Geo. 2. c. 30.  
f. 1.

No seamen or other persons (unless deserters  
from king's ships) in privateers or trading ships,  
in the plantations, to be impressed in any of  
the ports, or at sea, in those parts, by any  
officers belonging to his majesty's ships of war,  
under penalty of paying 50l. to the master or  
owners of such ships for every man such officer  
shall impress, to be recovered with full costs of  
suit in any part of the king's dominions.

Masters of trading ships and packet boats going to the plantations shall be obliged (at the desire of any king's officers thereunto lawfully authorised, and at the charges of his majesty) to receive on board any number of mariners, seamen, or other persons entered into his majesty's sea service (over and above the usual complement of seamen belonging to such trading ship), and carry them to the port to which she is bound, not exceeding in proportion of one-fifth part of the complement, on pain of forfeiting 50*l.* for every man refused to be taken on board, or, after having received on board, willingly permitting and suffering them to escape.

Masters of trading ships and packet boats going to the plantations shall receive on board mariners, seamen, &c. and carry them to the port to which such ship is bound.  
19 Geo. 2. c. 30.  
c. 5.

The master of every trading ship, &c. to sign an acknowledgment in writing of his having received such men, in order to carry and deliver them to such officer or person to whom they are assigned, and to deliver the same to the officer who shipped the men, who is to lay the same before the Commissioners of the Navy; and such master shall, within six months after receiving the men, produce a certificate to the said commissioners, under the hand of the commander in chief of his majesty's ships, or any other commander, that the said men have been received; and upon such certificate being produced to the Commissioners of the Navy, the master shall be paid at the rate of 6*d.* per day for each seaman from the time of their being first received on board to the time of their being delivered.

Masters of trading ships to sign acknowledgments of having received such men, and to produce a certificate that such men have been received.  
Sect. 6.

In case of any threatened or actual invasion of any colony, or other unforeseen necessity, commanders of men of war may impress seamen, &c. in any colony, may impress men, &c. Sect. 7.

Masters to receive 6*d.* per day for such men.

Commanders of men of war, in case of threatened or actual invasion of any

19 Geo. 2. c. 30. men, with consent of the governor and commander in chief, and council of the colony.

Bonds to be given for landing non-enumerated as well as enumerated goods. Bonds to be given in the ports of America for landing in Great Britain or Ireland enumerated as well as non-enumerated goods, under penalty of forfeiting ship and goods.

6 Geo. 3. c. 52. f. 30. 7 Geo. 3. c. 2.

Foreign built ships, though owned by British subjects, and navigated according to law, not to be entitled to the privileges of British built ships.

26 Geo. 3. c. 60. s. 1.

By the 26th Geo. 3. c. 60. intitled, "*An Act for the further Increase of Shipping and Navigation*," no foreign built ship or vessel (except such as have been condemned as lawful prizes\*), nor any ship or vessel built or rebuilt upon any foreign made keel or bottom, in the manner heretofore practised and allowed; although owned by British subjects, and navigated according to law, shall be any longer entitled to any of the privileges of a British built ship, and that all the said privileges shall hereafter be confined to such ships only as are wholly of the built of Great Britain, Ireland, &c. or the islands and plantations thereunto belonging. Foreign built ships, duly registered and owned by British subjects, before the 1st of May 1786, or begun to be repaired or rebuilt before that time, shall nevertheless continue to enjoy their privileges.

Ships rebuilt or repaired in foreign ports, if such repairs exceed 15s. per ton, not to be deemed British built, except such repairs are absolutely necessary.

No ship or vessel shall be deemed British built, or enjoy the privileges thereunto belonging, which shall be rebuilt or repaired in any foreign port, if such repairs exceed 15s. for every ton admeasurement, unless such repairs are absolutely necessary to enable the ship to per-

Master to report state of the ships upon oath to the British consul, &c. &c. Sect. 2.

\* See in its place the 34th Geo. 3. c. 42. entitling certain foreign ships to the privileges of prize ships. See also the act 35 Geo. 3. c. 92. for the encouragement of the Southern Whale Fishery.

form her voyage; and before she is repaired the master to report the state and condition, upon oath, to the British consul, or other chief British officer, at such port, or, should there be no consul, to two known British merchants, who are to appoint proper persons to survey such ship, the particulars of the damage to be made out in writing and verified upon oath, which is to be certified by the consul, or in his absence by the aforesaid merchants. And should any ship after the 1st of August 1786 be repaired in a foreign port, the master shall make oath before the collector or comptroller of the customs in the first port of arrival (if required), describing the nature and amount of such repairs, and should they exceed 15s a ton, and the master neglect or refuse to deliver the certificate, the ship shall be deemed foreign built to all intents and purposes.

Every ship or vessel having a deck, or being of the burthen of fifteen tons or upwards, belonging to Great Britain, &c. or the islands and plantations thereof, to be duly registered, and the owners to have proper certificates of the registry.

All ships of 15 tons burthen to be registered in the form prescribed. Sect. 3.

No registry shall be made, or certificates granted, in any other port than that to which such ship properly belongs, except so far as relates to such as shall be condemned prizes.

Where registry to be made. Sect. 4.

The port to which any ship or vessel shall be deemed to belong is considered that to which she usually trades, or (being a new ship) intends to trade, and at or near which the husband or owners usually reside.

What port a ship shall be construed to belong to. Sect. 5.



Vessels not requiring registry.  
26 Geo. 3. c. 60.  
f 6.

King's ships are not required to be registered, nor lighters, barges, boats, &c. used solely in rivers, or inland navigation\*.

Ships built in America, unless condemned as prizes, entitled to the privilege of British ships, unless rebuilt, registered, &c.  
Sect. 7.

No ship built in the United States of America, or owned by their subjects, and not registered before any act of parliament prohibiting trade and intercourse with the same, shall be entitled to be registered, or to any privileges of a British built ship, unless such ship was taken and condemned as a lawful prize, or having been stranded, or rebuilt and registered in the manner before practised and allowed.

British subjects residing in foreign parts, in what cases to be considered owners and entitled to privilege, &c.  
Sect. 8.

No British subject residing in foreign parts shall be entitled, during his continuance so to reside, to be a whole or part owner of any British ship required to be registered by this act, unless he is a member of some British factory, or agent for, or partner in any house carrying on trade in Great Britain or Ireland.

Sect. 9.

The oath directed by the 7th and 8th Will. III. to be taken on registering ships is hereby repealed, and a new form of oath to be taken and subscribed is substituted.

Owners to make affidavit that all persons having property or interest in the ship are subjects of Great Britain.  
Sect. 10.

No registry shall be made, or certificate granted, without the owners' affidavit, "That no other persons have any property or interest in the ship, and that they are subjects of Great Britain, and have not taken the oath of allegiance to any foreign state whatever, and that no foreigner hath any share or interest in the ship."—The form is more fully expressed in the act itself.

\* By the 35th Geo. 3. c. 58. lighters, &c. used in inland navigation are now to be registered.

In case there are three, or more owners, and two of them not personally attending to take and subscribe the oath, then the owner that attends shall farther make oath, that the part owners then absent are not resident within twenty miles, and have not, to his knowledge or belief, wilfully absented themselves from taking the oath, or are prevented by illness.

If two or three owners, and only one can attend, such owner to make additional affidavit. 26 Geo. 3. c. 60. f. 11.

Previous to the registering any certificate, proper persons appointed for that purpose shall go on board the ship, and strictly admeasure her, in the presence of the master, or any other person on the part of the owners, and shall deliver in writing the particulars of the built, description of such ship, &c. as are specified in the certificate, to the person making the registry; and the master, or person attending on the part of the owners, to sign such certificate.

Ships to be measured previous to the registering any certificate. Sect. 12.

Persons appointed to admeasure such ships wilfully delivering a false description of any of the particulars required, or the person authorised making a false register, or granting a false certificate, shall forfeit 100*l.* and be rendered incapable of holding any office under his majesty.

Penalties on giving a false description, making false register, or granting a false certificate. Sect. 13.

The following method to be attended to in ascertaining the tonnage of ships when afloat, viz. a plumb line is to be dropped over the stern of the ship, and the distance between the line and the after part of the stern post is to be measured at the load water mark; then measure from the top of the line, in a parallel direction with the water to a perpendicular point immediately over the load water mark, at the fore part of the main stern, subtracting from such measurement the above distance, the remainder will be the ship's extreme length, from

Mode of ascertaining the tonnage.

Sect. 14.

26 Geo. 3. c. 60. which are to be deducted three inches for every foot of the load draught of water for the rake abaft, and also three-fifths of the ship's breadth for the rake forward, the remainder will be esteemed the just length of the keel for finding the tonnage; and the breadth to be taken from outside of the plank in the broadest part of the ship, either above or below the main wales, exclusive of all manner of sheathing or doubling that may be wrought upon the side of the ship; after which admearurement multiply the length of the keel for tonnage by the breadth found, and that product by half the breadth, which, divided by ninety-four, the quotient shall be deemed the true contents of the tonnage:—this method not to alter that used for measuring the tonnage for the purpose of ascertaining the light duties, &c.

Penalty of bonds  
to be entered in-  
to by masters  
and owners, &c.  
Sect. 15.

The master and owners of such ships shall give bonds \* in the following penalties at the time of obtaining certificates of registry, viz. for a vessel decked, or above fifteen tons, and not exceeding fifty tons, in the penalty of 100l.; exceeding fifty, and not above one hundred tons, in 300l.; exceeding one hundred, and not two hundred tons, in 500l.; exceeding two hundred, and not three hundred tons, in 800l.; and exceeding three hundred tons, in 1000l.; and the condition of every such bond shall be, that the certificate shall not be sold, lent, or otherwise disposed of, to any persons whatever; and in case the ship is lost, taken by the enemy, burnt or broke up, or otherwise prevented from returning to her pro-

\* This bond may be taken by any person authorised for that purpose by the commissioners of customs, 27 Geo. 3 c. 19. s. 6. and may be given upon every change of the master as well as at the time of registry, s. 7.

per port, the certificate, if preserved, shall be delivered up within one month after the arrival of the master in any port in Great Britain, &c. to the collector, &c. ; and should any foreigner purchase, or become entitled to any share in such ship within the limits of any port in Great Britain, Guernsey, &c. in such case the certificate of registry shall be delivered up to the person authorised within seven days after such purchase, and if in any foreign port when such purchase or transfer shall take place, then the same shall be delivered up to the British consul, or if at sea when so purchased or transferred, it shall likewise be delivered up to the British consul at the foreign port where the master shall first arrive after such transfer of property at sea ; but should he not arrive in a foreign port, but some port in Great Britain, Guernsey, &c. then the same shall be delivered up in manner aforesaid in fourteen days after arrival, as likewise any Mediterranean passes that might have been obtained, shall be delivered up with the certificates of registry, in order to be transmitted to the commissioners of the customs for the purpose of being cancelled.

In case there be any alteration in property in the same port, by the sale of one or more shares in any ship, after registry, it shall be acknowledged by indorsement on the certificate of registry, before two witnesses, as likewise the town or place where all persons to whom the property so transferred shall reside, or if such persons reside in any foreign country, town, or city, the same shall be inserted, together with the names of the houses and co-partnership in Great Britain or Ireland, and the person to whom the property is so trans-

Transfer of property in ships to be acknowledged by indorsement of certificate of registry.  
Sect. 16.

26 Geo. 3. c. 60. ferred, or his agent, shall deliver a copy of such indorsement to the person authorised to make registry.

On transfer of property in ships, certificate of the registry to be recited in words at length.  
Sect. 17.

As often as the property in any ship belonging to British subjects shall be transferred \*, in whole or in part, the certificate of the registry of the same shall be recited, in words at length, in the bill or instrument of sale, or otherwise such bill of sale shall be void.

Upon changing of a master of a ship, registered notice to be given to the commissioners of the customs in England.  
Sect. 18.

Whenever the master of a ship, registered, is changed, the owners or master shall deliver the certificate of the registry to the person authorised to make such registry, at the port where the change may have taken place, who shall indorse and subscribe a memorandum of such change, and give notice to the proper officer of the port where such ship was last registered, who shall likewise make a memorandum of the same in the books of registers, and give notice to the commissioners of his majesty's customs in England or Scotland †.

Ship's name and port she belongs to, to be placed on a conspicuous part of the stern.  
Sect. 19.

The owners not to give any other name to the ship but that by which she was first registered, and within one month after registry shall paint, in white or yellow letters, the name by which she was registered, of a length not less than four inches (provided there is sufficient space, if not, then in letters as large as the space will admit), together with the name of the port to which she belongs, on some conspicuous part of the stern, and preserve the same. And owners or masters wilfully altering, erasing, or concealing, or permitting the same to be done, unless in case of square rigged vessels in time of war, or describing such ship

\* See the 34th Geo. 3. c. 68. f. 14. 17. 21. 22, &c.

† See 34 Geo. 3. c. 68. f. 18.

in any written or printed paper, or verbally by any other than her proper name by which she was registered, to any officer of the revenue in the execution of his duty, then such owners or master to forfeit 100l. 26 Geo. 3. c. 60.

Every person applying for a certificate of registry in Great Britain, Guernsey, Jersey, or the Isle of Man, for any ship which shall be built, must produce to the person authorised a true account under the hand of the builder, of the proper denomination, the time when, and the place where, such ship was built, with an exact account of the tonnage, together with the names of the first purchasers; and also make oath before the person authorised to give such certificate, that the ship is the same with that so described by the builder. Persons applying for certificates to produce a true account, signed by the builder, of the denomination, &c. and to make affidavit of ship's identity. Sect. 20.

Every person who shall apply for a like certificate in any of his Majesty's colonies or plantations, shall produce the like account, and take the same oath, as required by the preceding section. Sect. 21.

In case a certificate of registry of any ship should be lost, a register and certificate *de novo*, in the form directed, shall be granted. Certificates lost. Sect. 22.

In every such case security shall be given as is directed in this act, and in lieu of the oath directed to be taken by the act of 15 Geo. 2. the like oath shall be taken, as is herein before directed by the owners of such ships as are required to be registered by this act. Sect. 23.

Any ship, being altered in form or burthen, or in any manner whatsoever, after registry, shall be registered *de novo* as soon as she returns to her port, or to any other, in which she may Ships altered in form or burthen to be registered *de novo*. Sect. 24.

26 Geo. 3. c. 60. be registered by virtue of this act; on failure whereof she shall be deemed a foreign ship.

Owners of ships to produce proper certificate, and make oath of ship's identity  
Sec. 25.

Owners of ships which have been condemned as lawful prizes, shall, upon registry, produce a proper certificate of the condemnation, and also a true account in writing, of all the particulars contained in the certificate mentioned in a former section; and shall also make oath before the proper officer, that such ship is the same mentioned in the certificate.

Ships taken and condemned as prizes, not to be registered in Guernsey, Jersey, &c. Where to be registered.  
Sec. 26.

No ship, taken and condemned as a prize, shall be registered in the island of Guernsey, Jersey, or the Isle of Man, although belonging to British subjects residing in those islands; but the same shall be registered, either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven, by the collector and comptroller at such ports respectively.

An account to be subjoined to certificates of the sum for which any ship, condemned in any of the British colonies, sold.  
Sec. 27.

In all cases where any ship taken and condemned in any of the British colonies, plantations, Islands, &c. shall have been registered and certificate granted, an exact account shall be subjoined to such certificate, of the sum for which such ship has been sold, verified by the oath of the person applying for such registry and certificate.

Certificates, how to be entitled.  
Sec. 28.

The certificates which are directed to be granted in pursuance of this act, shall distinguish whether such ships or vessels are of the built of Great Britain, Guernsey, or the colonies, plantations, or of any foreign country, and shall, if British built, be entitled, "Certificate of British Plantation Registry;" and if foreign, "Certificate of Foreign Ship's Registry, for the European Trade, British Property."

The operation of the three following sections, prescribing the limited periods for ships to comply with the Act, has long since ceased. 26 Geo. 3. c. 62.

No ship, directed to be hereafter registered, after her first arrival at her proper port, at the expiration of the notice herein directed, shall be permitted to clear outwards, as a British ship, unless the owners shall have obtained a certificate; and in case such ship depart from the port without being registered and a certificate obtained, she shall be subject to forfeiture, with all her tackle, guns, &c.

Ships departing from port without being registered, and obtaining a certificate, shall be forfeited. Sect. 32.

If after the expiration of the notice, any ship or vessel, being square rigged, shall be found in any port, within twenty leagues by water from the port to which she belongs, or any other vessel not square rigged, found in another port, without having obtained the certificate of registry, it shall be lawful for the proper officer to detain such vessel, until the master shall give security by bond, as follows, viz. if the vessel is under fifty tons, in 50l.; exceeding fifty tons, and not one hundred tons, in 100l.; and exceeding one hundred tons, in 200l.; with condition that he forthwith repair with her to the port she belongs, and there cause her to be registered, and procure a certificate of the same, and deliver it to such officer within the limited time in the condition of such bond; and on failure of producing such certificate the bond shall be forfeited: but if produced, the bond shall be void: And in case any square rigged ship, after the expiration of the notice, shall be found in any port, distant more than twenty leagues from that to which she belongs, or the water too shallow to admit of her entrance into her own port, the master shall, within forty-

Officers may detain ships, not having obtained a certificate of registry, until the master shall give bond to repair to the port to which she belongs, to procure a certificate of registry, and deliver it to the proper officer. Sect. 33.



26 Geo. 2. c. 60. eight hours, make his arrival known to the principal officer of such port, and shall require him to cause the ship to be surveyed, the certificate of which survey the collector or comptroller shall immediately transmit to the person authorized to register ships, at the port to which such ship belongs, who shall register her, and grant a certificate of registry. The collector, &c. in the port where such ship shall be found, may detain her till survey is made.

Masters to produce certificates to the officers of the customs, under penalty of 100l.

Secl. 34.

After the expiration of the notice before-mentioned, the master of every ship that has been registered, and has procured a certificate, shall, upon demand, produce the same to the principal officers of every port in his Majesty's dominions, or to the British consul, or chief British officer in any foreign port, in order to satisfy them that she is properly registered, under penalty of 100l.

Officers to number certificates progressively, as granted, and transmit true copies to the commissioners of the customs in London, under penalty of 100l.

Secl. 35.

Penalties on officers neglecting to transmit copies of certificates.

The proper officer at every port where registers and certificates are granted, shall progressively number the same as they shall be granted, and shall enter an exact copy of every certificate, with its number, in a book; and shall, within one month at the farthest, transmit a true copy, together with the number of every certificate granted, to the Commissioners of the Customs in London and Edinburgh. Every such officer neglecting the same, for the first offence shall forfeit 100l. and for the second 200l. and be dismissed from his office.

Secl. 36.

The Commissioners of the Customs in Scotland shall, in like manner, transmit, at the end of every month in each year, to the Commissioners of the Customs in England true copies of all certificates granted by them, or by officers within the limits of their commission.

In lieu of the stamp duties on bonds entered into by owners of ships, &c. there shall be paid one shilling; and that in lieu of fees and perquisites now payable on the registry of any ship or vessel. On the first registry there shall be paid the following sums, *viz.* By all ships decked, or of the burthen of fifteen tons, and not exceeding fifty tons, 1s. 6d.; exceeding fifty, and not exceeding one hundred tons, 2s. 6d.; exceeding one hundred, and not exceeding two hundred tons, 3s. 6d.; and exceeding two hundred tons, 5s. The stamp duties, fees, and perquisites, now payable upon the registry or transfer of property in any ship, shall continue to be paid as heretofore, except upon the first registry of any ship, built and registered before the 1st of May 1786.

26 Geo. 3. c. 62.  
f. 37.  
Sums to be paid  
for registering  
ships.

Sections 38 and 39 relate to registers that were granted to ships in America during last war, in consideration of services rendered to the public.

Persons authorised to perform any thing directed by this act, in respect of their offices, and refusing or neglecting to perform the same, shall, on being duly convicted, forfeit 500l.; and for the second offence, 500l. and rendered incapable of serving his Majesty.

Forfeitures for  
persons authorised  
neglecting to  
perform their  
offices.  
Sect. 40.

Any person making a false oath to any of the matters herein required to be verified, shall suffer in like manner as persons committing wilful and corrupt perjury: and any person counterfeiting, erasing, altering, or falsifying any certificate, or making use of the same, shall forfeit 500l.

Persons taking  
false oaths to be  
guilty of per-  
jury.  
Sect. 41.

All the penalties and forfeitures shall be sued for, and disposed of, in the same manner as those relative to the laws of customs, and the

Penalties, how  
to be recovered.  
Sect. 42.

26 Geo. 3. c. 63. officers concerned in seizures or prosecutions shall receive the same share as unlawful seizures, &c.

Sect. 43. Every matter contained in any act of parliament relative to trade, shipping, and navigation of Great Britain and the colonies, &c. which is not hereby expressly altered or repealed, shall continue in full force.

*Ships belonging to Irishmen, duly registered, to have all the privileges of British built ships.*

Sect. 44.

Ships and vessels belonging to his Majesty's subjects in Ireland, being duly qualified and registered, shall continue to enjoy the privileges to which they were entitled before the passing of this act, until the end of four months from the commencement of the first sessions of parliament in Ireland; and from the end of that time, every ship which shall, by virtue of any act in Ireland, be qualified and registered, in any of the ports of the said kingdom, under similar regulations herein contained, shall continue to enjoy all the privileges of a British built ship, or foreign built ship; owned by his Majesty's subjects.

*Ships duly registered in any port in Ireland, to enjoy the privileges of British built ships.*

27 Geo. 3. c. 19. s. 1.

Every ship, duly registered in any port in Ireland, according to the regulations and restrictions of the act, 26 Geo. 3. c. 60. and shall obtain a certificate thereof, shall enjoy all the privileges and advantages of a British built ship, or foreign built ship owned by British subjects.

*Ships duly registered in Ireland, to continue to enjoy privilege of British built ships, during the time appointed by the commissioners; but after the expiration of that time shall not enjoy such privilege, unless registered and certificate obtained.*

Every ship belonging to his Majesty's subjects in Ireland, duly qualified and registered, according to the laws in force before the commencement of the act, 26 Geo. 3. c. 60. shall continue to enjoy the privileges of a British built ship, during the time appointed by

the commissioners; but after the expiration of that time shall not enjoy such privilege, unless registered and certificate obtained. Sect. 2.

the Commissioners of the Revenue of that kingdom; but at the expiration of the time so appointed, no ship belonging to Ireland, which ought to be registered in the ports thereof, shall enjoy such privileges, unless she be registered, and shall obtain a certificate thereof, in pursuance of the before-mentioned act. 27 Geo. 3. c. 19.

In case it shall happen that any such ship, from unavoidable necessity or reasonable cause, shall not have returned to the port in Ireland to which she belongs within the time appointed, but shall touch at some port in Great Britain, Guernsey, &c. the Commissioners of the Customs in England or Scotland, upon proof being made thereof, may permit her to enjoy the privileges of a British built ship, for that time only and no other; and to clear out and return to her proper port in Ireland, for the purpose of being there registered. Ships from unavoidable necessity not returning to ports they belong to, commissioners of the customs may permit them to enjoy privileges of a British ship, and to clear out and return to her proper port to be registered. Sect. 3.

No registry of any ship shall be granted until the owner or owners have taken the prescribed oath in this act.

No oath taken for the sole purpose of acquiring the rights of citizens or burghers in any foreign city or town in Europe, to be enjoyed during the time that the persons taking the oath shall reside there, and for a limited time after such residence shall have expired, shall be deemed an oath of allegiance to a foreign state. No oath for acquiring the rights of citizens in a foreign state, during residence, &c. to be deemed an oath of allegiance to a foreign state. Sect. 4.

Ships belonging to the East India Company, or any body corporate within this kingdom, may be registered and obtain certificates upon an oath being taken and subscribed by the secretary of the said company or body corporate, or by any other officer authorised (instead of the oath directed to be taken), before the Ships belonging to corporate bodies, how to be registered. Sect. 5.

27 Geo. 3. c. 19. persons authorised to make such registry, describing her built, burthen, &c. and name of the corporation to which she belongs.

Commissioners  
&c. may authorise the bond required to be taken before other persons, in any other manner, place, &c.  
Sect. 6.

From the 1st of June 1787. the Commissioners of the Customs in England and Scotland, or the Governors of the British Islands, Plantations, and Colonies, shall, in any case, where it shall appear to them to be expedient, permit the bond required by the act 26 Geo. 3. c. 60. to be taken before any person whatever, in such manner and at such place as they shall think proper.

Sect. 7.

When any master of a registered ship shall be changed, his successor shall give security by bond, to be taken in the manner and under the penalties and conditions required by the acts 26 Geo. 3. c. 60. and this present act, 27 Geo. 3. c. 19. f. 7.

Ships not exceeding 30 tons, employed wholly in fishing within certain boundaries, shall be subject to be registered.  
Sect. 8.

No vessel whatever, not exceeding the burthen of thirty tons, and not having a whole or fixed deck, employed solely in the Newfoundland fishery, or on the banks or shores of the provinces of Quebec, Nova Scotia, or New Brunswick, adjacent to the Gulph of St. Lawrence, and to the north of Cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be subject to be registered in pursuance of the said act, or shall be liable to any hindrance, molestation, obstruction, or detention whatever, on account of not being so registered.

Ships built in Newfoundland, &c. and owners residing in his Majesty's European dominions, by whom oath to be taken, and

Ships built in the island of Newfoundland, and in the parts adjacent to the Gulph of St. Lawrence, and to the north of Cape Canso, or in the islands within the said limits, on account of owners residing in his Majesty's European how to be registered. Sect. 9.

dominions, to be registered in the said Island of Newfoundland, &c. &c. upon the husband or principal agents of the ship, taking the oath required, and the certificates so granted shall be of the like force as if the owners had taken the oath, until such times as the ship shall arrive in some port of his Majesty's European dominions, where she may be registered upon the oath of the owners, and no longer: and when the ship arrives at such port, the certificates of the registry granted by this act shall be null and void, and shall be delivered up to be cancelled, and the ship registered *de novo*, conformable to the act, 26 Geo. 3. c. 60. 27 Geo. 3. c. 39.

Any of the goods or commodities enumerated or described in the act of 12 Car. 2. c. 18. and 13. and 14 Car. 2. c. 11. and 6 Geo. 1. c. 15. may be imported either in ships which, before the 1st of May 1736, truly and wholly belonged to his Majesty's dominions, or which are British built, and registered according to law, or in ships of the built of any countries in Europe, belonging to the sovereign or state of which such goods are the growth and manufacture, or of such ports where they are usually shipped, being navigated with a master and three fourths of the mariners at least belonging to such country, place, or port, and in no other ships \*.

Goods enumerated in the act of 12 Car. 2. c. 18. and 13 & 14 Car. 2. c. 11. and 6 Geo. 1. c. 15. may be imported in ships, which before May 1736, wholly belonged to his Majesty's dominions, or British built, &c. Sect. 10.

Any person whatever may import into Great Britain from Gibraltar, in any ship which before the 1st of May 1736, did truly and wholly belong to British subjects, or British built, navigated, and registered according to law, any goods, wares, or merchandize, of the growth or production of the dominions of the Emperor

Merchandize, the produce of the states of Morocco, imported directly into Gibraltar, may be imported into Great Britain, on payment of some Africa. Sect. 11.

duties as such goods would be liable to if imported directly from

\* But see 37 Geo. 3. c. 63.

A A

27 Geo. 2. c. 19. of Morocco, and which have been imported directly into Gibraltar from any part of the said dominions, not lying to the southward of the port of Mogadore, in British ships as before described, or in ships belonging to the subjects of the Emperor of Morocco, upon paying the same duties such goods are liable to upon being imported into Great Britain directly from Africa.

Goods imported pursuant to the preceding clause to be accompanied with a certificate, &c. Sect. 12.

In every such case, the goods so imported to be accompanied with a certificate under the hand of the Governor of Gibraltar, or persons authorised by him, setting forth that such goods were brought into Gibraltar in such ships as are above described.

Ships not entitled to the privileges of British built ships, and ships not registered, although owned by British subjects, to be deemed Aliens' ships, and liable to penalties, forfeitures, &c. Sect. 13.

All ships, which by the act 26 Geo. 3. c. 60. are declared not to be entitled to the privileges of British built ships, and all ships not registered according to the regulations of the said act, shall (although owned by British subjects) be held and deemed as Aliens' ships, and shall in all cases be liable to such and the same penalties and forfeitures as Aliens' ships.

Such goods as are enumerated in the preceding section are not to be brought to any of the West India Islands, but by British subjects and in British built ships owned by his Majesty's subjects, and navigated according to law, under the penalty of forfeiting ship and cargo.

No goods to be imported into any of the West India islands, from any of the territories of the United States of America, except, &c. under penalty of forfeiting ship and goods. Sect. 1.

No goods or commodities whatever shall be imported from any of the territories belonging to the United States into any of his Majesty's West India Islands (in which description the

Bahama or Bermuda Islands are included) under the penalty of forfeiting ship and goods; except only the following articles, *viz.* tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading-boards, timber, shingles, and lumber of any sort; horses, neat cattle, sheep, hogs, poultry, and live stock of any sort; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley. and grain of any sort; such commodities being of the growth or production of any of the territories of the United States. 28 Geo. 3. c. 6.  
f. 1.

By an act for granting to foreign ships, put under his Majesty's protection, the privileges of prize ships, under certain regulations. 34 Geo. 3. c. 42.  
f. 1.

All foreign ships and vessels heretofore \* owned by subjects of the late French king, which, in consequence of any capitulation, may be put under his Majesty's protection at the time of, or in consequence of, the surrender of any foreign colony, shall and may be registered as ships condemned as lawful prizes, and shall become entitled to the privileges of British ships. Registry of foreign ships.

But no ships shall be entitled to a certificate of registry, unless a certificate be produced under the hand and seal of the person who shall have commanded in chief by sea or land, certifying that such ship or vessel was at the same time put under the protection of his Majesty; Requisites to be entitled to registry.

\* By the 37th Geo. 3. c. 63. passed with a view to the Dutch Colonies, taken possession of by Great Britain, the provisions of the 34th Geo. 3. are extended to ALL FOREIGN vessels whatever.—By the 37th Geo. 3. the ports of registry are ordered to be as follows: Cape Town for the Cape of Good Hope, Colombo for Ceylon and ports to the eastward of that island, Cocuin for the Coast of Malabar, Scarborough, in the island of Tobago, for the island of Trinidad and the settlement of Demerara.



34 Geo. 3. c. 42. whereupon an oath is also to be taken by the owner or owners of such vessel, upon which, with the above certificate they will be entitled to the certificate of registry.

Ports of registry  
for the French  
West India  
Islands.

Kingston in Jamaica for the island of St. Domingo, Roseau in Dominica for any of the French Leeward Islands; and the said ports of Kingston and Roseau shall be deemed the ports to which such ships shall respectively belong.

Places to which  
ships, so regis-  
tered may trade.  
Sect. 3.

Ships so registered as aforesaid, and being navigated as British ships, may export from any such colony, or part of foreign colony, so surrendered to his Majesty, to any of the British dominions in Europe, or any of the British colonies, plantations, or islands in America to the West Indies (not belonging to any sovereign or state at war with his Majesty), to the territories of the United States of America, to all other parts of the continent of America, and the islands adjacent to the Western Islands (the Azores), and Madeira and Canary Islands, to the coast of Africa, and the islands adjacent, and to none other place whatever; and also may import into any such foreign colony, or part of foreign colony from any of the aforesaid (but no other) places, such goods and commodities respectively, and none other, as any British ship or vessel may by law export or import to or from the same, subject to the like restrictions as British built vessels.

Such ships may  
be registered as  
prize ships,  
Sect. 4.

His Majesty may order such ships, without payment of any duty, to be registered as in case of a prize ship, in any port in the kingdom of Great Britain.

Master, crew,  
and passengers,  
of such ships.  
Sect. 5.

No person whatever, heretofore a subject of the late French king, shall be employed to navigate

any such vessel, unless he produce a certificate under the hand and seal of the commander in chief of such foreign colony, testifying that such person has taken the oath of fidelity and allegiance to his Majesty.

Masters or commanders employing any person not certificated as above, shall forfeit fifty pounds.

*Abstract of an Act for the farther Encouragement of British Mariners.* 34 Geo. 3. c. 68.

From the expiration of six months from the conclusion of the present war, no goods shall be exported or imported to or from the dominions of Great Britain, unless navigated by a master and three fourths British subjects: nor from the same period shall any vessel, required to be registered as a British ship, be navigated but by a master and three-fourths British subjects, except as hereinafter provided.

How ships requiring registry shall be navigated.  
Sect. 1, 2, 3.

No goods, wares, or merchandizes, shall, from the before mentioned period, be carried from any port or place of Great Britain, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, to any other port or place of the same, or any of them, in any such ship or vessel; nor shall any such ship be permitted to sail in ballast from any of the said ports or creeks to another; nor shall any British ship be employed in fishing upon the said coasts, unless such ships shall be wholly and solely manned and navigated by a master and crew *all* British subjects: provided always, that the Commissioners of Customs may by license authorise any such ship or vessel, employed in fishing upon the coasts before-mentioned, to have on board any foreign mariner, or mariners, for in-

Vessels employed in the home trade and British Fishery, how to be navigated.

34 Geo. 3. c. 68. structing the British mariners thereof in fishing, or curing fish; such foreign mariners not exceeding one-fourth of the number of mariners on board such vessels.

Exceptions in  
case of sickness,  
death, desertion,  
capture, &c.  
Sect. 5.

The master and the whole, or such proportions, shall be British subjects, and *continue so during the whole of the voyage*, unless in case of sickness, death, desertion, or being taken prisoners in the voyage; in which case the master of the ship shall specify the same in his report. Nothing in this act shall extend to affect any regulation for navigating or manning ships employed in the fisheries carried on from this kingdom or any port of the British dominions, for which any special provision has been made by any act or acts, in force before the commencement of this act.

Who may be  
deemed masters  
or mariners of  
British ships.  
Sect. 6.

No person shall be deemed qualified to be the master of a British ship, or to be British sailors, seamen, or mariners, except natural born subjects, persons naturalized by act of parliament, or made denizens by letter of denization, or persons who have become his majesty's subjects by virtue of conquest or cession of some newly acquired country, and who shall have taken the oath of allegiance to his Majesty, or the oath of fidelity required by the treaty or capitulation by which such newly acquired country came into his Majesty's possession, except as is hereafter provided.

Foreigners serv-  
ing in the navy.  
Sect. 7.

Every foreign sailor, seaman, or mariner, who shall serve on board any of his majesty's ships of war for the space of three years, either in one or different ships, and who shall also take the oath of allegiance to his majesty, shall, from and after the conclusion of the present war, be entitled to be employed as a British

sailor, seaman, or mariner, on board any British ship or vessel within the intent and meaning of this act, or any of the laws now in force. Such foreigner so to be employed is nevertheless to deliver a certificate from the captains or commanders under whom he served of the time he shall have served, of his faithful service and good behaviour, and a certificate of his having taken the oath of allegiance to the collector of the customs of the port of London, or the ports of Chatham, Portsmouth, or Plymouth, to be filed by such collector or other officer of the customs, who is to deliver to such foreign sailor, seaman, or mariner, an attested copy thereof, upon paying the fee of 1s. and no more.

34 Geo. 3. c. 68.

Persons not qualified pursuant to this act taking the command of any British merchant ship or vessel, to forfeit 100l.; and any sailor, unqualified foreign seaman, serving on board such merchant ship, shall forfeit the sum of 10l.: provided that no ship or vessel on board of which such disqualified persons shall be so found shall be forfeited, if the owners shall shew that such disqualification was at the time unknown: provided also, that in the navigation on the seas of America and the West-Indies, from any port of America and the West-Indies to any port of America and the West-Indies, negroes belonging to his majesty's subjects, and with the qualifications aforesaid, and on the seas to the eastward of the Cape of Good Hope, from and to any ports to the eastward of the Cape of Good Hope, Lascars, and other natives of any of the countries to the eastward of the Cape of Good Hope, may be employed as British sailors, seamen, and mariners, in manner heretofore practised:

Persons not qualified serving on board merchant ships.  
Sec. 3.

24 Geo. 3. c. 68. but no such person to be so employed as a British sailor, seaman, or mariner, unless all the conditions required by the act of 34 Geo. 3. c. 42. shall have been complied with, so long as the said act shall continue in force.

In what cases  
foreigners may  
serve in time of  
war  
Sect. 9.

Nothing in the above act shall extend to restrain the effect of any such proclamation as his majesty is empowered to make by virtue of 13 Geo. 2. c. 3 \*.

Ships and goods  
navigated con-  
trary hereto to  
be forfeited.  
Sect. 10.

All goods, wares, or merchandize whatever, imported or exported, or carried coastwise contrary to this act; and if any ship shall sail in ballast, or be employed in fishing on the coast, shall not be manned and navigated as required by this act, such goods, wares, merchandizes, and also the ship or vessel, with all her guns, furniture, ammunition, tackle, or apparel, shall be forfeited.

By whom sei-  
zures to be  
made.  
Sect. 11.

Seizures to be made by the commanders of any of his majesty's ships of war, or any commissioned, warrant, or petty officer specially appointed, or by any officer of the customs.

Ships not at sea,  
navigated con-  
trary hereto.  
Sect. 12.

Ships not at sea, navigated by a greater proportion of foreign seamen than allowed by this act, upon producing a certificate from the consul at such foreign port as she sailed from, that it became necessary for the safe navigation of such ship to employ such foreign mariners, shall not be seized or molested.

Conclusion of  
the war, when.

The conclusion of the war shall be taken for the purposes of this act, to be from the time that the same shall be notified by proclamation, or order

\* His Majesty is by this act empowered in time of war to permit merchant ships to be navigated by foreigners, provided one-fourth of the crew be British subjects.

of his Majesty in Council, to be published in the London Gazette. 34 Geo. 3. c. 68.

No transfer, or agreement for transfer, of the property in any ship or vessel, in the whole or in part, shall be made but by bill of sale, or instrument in writing, containing an indorsement, according to the form specified by the fifteenth section of this act. Transfer of property in ships, how to be made. Sect. 14.

If a ship should be at sea when such alteration of the property is made, so that an indorsement and certificate cannot be immediately made, the sale, or contract for sale, shall notwithstanding be made by some instrument in writing, and a copy thereof shall be delivered to the person authorised to make the registry, who is to indorse an entry thereof on the oath or affidavit, make a memorandum in the book of register, and give notice to the Commissioner of the Customs, as before directed. And within *ten days* after the ship's return to port, an indorsement shall be made on the certificate on registry, and a copy thereof delivered as before-mentioned, otherwise sale to be void. How transfer to be made if ship at sea.

The 17th section limits the time of indorsement to six months, where the owner or agent resides in any country out of the dominions of his Majesty, or within *ten days* after the arrival of such party in England.

Masters of ships refusing to deliver up the certificate of registry to the proper officer empowered to make registry, upon being required to do so by the owners or the major part of them, if it shall be proved upon oath of any of the owners, that such certificate is wilfully detained, shall pay *one hundred pounds*, and on failure of payment be committed to the common jail for not less than six months, nor more than twelve. Masters of ships refusing to deliver up certificate to forfeit 100l. Sect. 18.

Sec. 19.

And upon the justice certifying thereof to the person authorized to make registry, he shall register the said ship *de novo*.

Sec. 21.

As often as the property of any ship is transferred, such ship shall be registered *de novo*. If any alteration of property be made in part, by one or two owners disposing of their shares, such vessel may be registered *de novo*.

The 22d section limits the time for ships upon voyages, more or less extensive, to be registered\*.

\* In the limits assigned to this work the several acts relative to this extensive and interesting division, cannot be touched upon in any manner adequate to their importance; the acts, therefore, relative to Free Ports in the West India Islands—several recent colonial Regulations—relative to Norfolk Island, the Cape of Good Hope, and other important acts, springing out of the various commercial and political relations, which have placed Great Britain in a new and singular predicament in this eventful war, cannot even be slightly glanced at, consistently with other subjects, such as Seamen's Wages, Prize Money, &c. of more comparative interest to officers of the Navy, for whose information this book has been particularly calculated.

## Pilots and Pilotage.

**T**HE general and local regulations for the conduct of this useful class of men will be found in the several acts of 3 Geo. 1. c. 23. 5 Geo. 2. 5 Geo. 1. c. 13. 7 Geo. 1. c. 21. and the act relative to the port of Liverpool, passed in the 37th year of the reign of his present Majesty, and the regulations contained in these acts have proved at once judicious and efficient.

None to pilot ships from Dover, Deal, or the Isle of Thanet, up the Thames or Medway, but such as have been examined, and are admitted by the master and wardens of the Society of Pilots of the Trinity House of Dover, Deal, and the Isle of Thanet, under penalty of 10*l.* for the first offence, 20*l.* for the second, and 40*l.* for every other offence.

3 Geo. 1. c. 13.  
s. 1.  
Penalties for acting as pilot without a licence.

Masters, mates, or owners of ships, residing at Dover, Deal, or Thanet, may pilot their own ships. No pilot appearing within an hour after the ship's arrival, other persons may be hired without incurring penalties.

Pilot not appearing within an hour, other persons may be hired.  
Sect. 2.

Masters of merchant ships have liberty to chuse such pilots of the said society as they shall think fit; and no person shall continue in the said society, who shall not conduct or pilot a ship, at least twice in one year (unless prevented by sickness,) to and from the places above-mentioned.

Masters of merchant ships may chuse their own pilots.  
Sect. 3.

By the 3d Geo. 1. c. 13. s. 4. the following rates are established:

3e3. 4.



3 Geo. 2. c. 73. Rates of pilotage from Dover, Deal, or the Isle of Thanet up the River Thames and Medway.

|                    |    |            |      |    |
|--------------------|----|------------|------|----|
| Every ship drawing | 7  | feet water | £. 3 | 10 |
| —                  | 8  | —          | 4    |    |
| —                  | 9  | —          | 4    | 10 |
| —                  | 10 | —          | 5    |    |
| —                  | 11 | —          | 5    | 10 |
| —                  | 12 | —          | 6    |    |
| —                  | 13 | —          | 6    | 10 |
| —                  | 14 | —          | 7    |    |
| —                  | 15 | —          | 7    | 10 |
| —                  | 16 | —          | 8    |    |
| —                  | 17 | —          | 8    | 10 |

And no allowance to be made for odd inches.

Pilots' names to be registered annually.  
Sect. 5.

Pilots losing a ship under their care, through negligence or carelessness, shall be incapacitated for acting as pilots ever after. Number of pilots at Dover, &c. not to be less than 120; whose names, ages, and places of abode, shall, every 25th day of March, be affixed in some public place, at the custom houses at London and Dover; and for neglect of not returning every such list, the master and wardens of the Society of Pilots, to forfeit ten pounds; to be recovered in the Cinque Ports, by any person who shall sue for the same,

Sect. 7.

This act not to hinder any persons from assisting ships in distress.

Oaths to be taken by master and wardens at the examination of pilots.  
Sect. 8.

The master, and such two wardens as shall be appointed to examine any persons, on their being first admitted as pilots into the said society, shall take the following oath, to be given them by the register of the Court of Load Manage for the time being,

I, ———, do swear, that I will impartially examine and enquire into the capacity and skill of ——— in the art of pilotage over the Flatts, and round the Long Sand head, and the coasts of Flanders and Holland, and will make true and speedy return thereof to the Lord Warden of the Cinque Ports, for the time being, or his Deputy, without favour, affection, fee, or reward. 5 Geo. 1. c. 13.

So help me God.

This act not to extend to the Trinity House of Deptford Strond. Sect. 9.

The Court of Load Manage to make regulations for pilots of Dover, &c. Not less than eighteen pilots to ply constantly at sea. 7 Geo. 1. c. 21. s. 14.

Twenty pounds penalty for acting as pilot on the Thames, or Medway, &c. without license from the Trinity House of Deptford Strond. Penalty for acting as Pilot without license. 5 Geo. 2. c. 24.

Two justices of Middlesex, Essex, Kent, or Surry, not being members of the Trinity House, may determine offences. Sect. 7.

Pilots subject to the regulations of the Trinity House. Sect. 8.

Pilots misbehaving, or refusing to obey the Trinity House, to have their warrants taken from them, and be cashiered. Sect. 9.

This act not to affect the Trinity House of Hull or Newcastle. Sect. 11.

Nor the fellowship of pilots of the Trinity House of Dover. Sect. 12.

Nor the jurisdiction of the city of London on the Thames, nor of the Admiralty. Sect. 14. 15.

37 Geo. 3. c. 78.

*ABSTRACT of the Act for the better Encouragement of Pilots for conducting of Ships and Vessels, into or out of the Port of Liverpool.*

The act of 6 Geo. 3. is by this act repealed, and a new corporation is erected for their regulating and licensing of pilots in the port of Liverpool.

A committee appointed to license pilots.  
Sect. 10.

A committee, or any five, may examine candidates, and if approved of, a license shall be granted, containing the name, age, stature, complexion, and place of abode; certifying also that the party is duly qualified to act as a pilot to conduct vessels into and out of the said port of Liverpool; and such person shall thereupon be duly qualified to exercise the occupation of a pilot within the said port.

Sums to be paid for licenses.  
Sect. 11.

Six guineas to be paid for the first license, and three guineas for every subsequent license; each license to continue in force one year, and no longer.

Acting without license.  
Sect. 12.

Persons acting without license to forfeit 20l. for every such offence.

Pilots misbehaving.  
Sect. 13.

Pilots misbehaving in the execution of any part of the duty of a pilot, or refusing to obey any summons or order of the committee, or in any wise offending against this act, such committee to recall the said license, and to declare the same to be thenceforth null and void.

No greater rates than the following to be taken for pilotage:

Prices for piloting British ships.  
Sect. 14.

For piloting any merchant ship into the port of Liverpool, not less than 6s. nor more than 9s. for every foot of water such vessel shall draw, and so in proportion for every half foot of water; and

for piloting any such vessel out of the said port, 17 Geo. 2. c. 72. not less than 3s. and not more than 5s. for every foot of water, and so in proportion for every half foot of water; but no allowance to be made for any draught of water over or under half a foot.

Ships bound to Liverpool, which shall not be piloted from the distance of the Great Ormhead on the coast of Wales, not less than 5s. nor more than 8s. per foot, shall be paid for such pilotage, and so in proportion for every half foot of water. No allowance for draught of water above or under half a foot.

Less prices to be paid if within certain distances. Sect. 15.

Every master or commander of any ship or vessel employed in the coasting trade, including such as trade to and from Ireland, the islands of Faro, or Fero, Guernsey, Jersey, Alderney, Sark, or Man, which shall be piloted into or out of the said port, shall pay one half only of the said respective rates for such respective pilotage.

Rates of pilotage for coasting vessels. Sect. 16.

No ships to be deemed coasting vessels, but such as have sailed from Liverpool on a coasting voyage, and shall have been really and *bona fide* employed in the coasting trade for six months previous to claiming exemption from the higher rates.

What to be deemed coasting vessels. Sect. 17.

No ships whatever, whether trading coastwise, or otherwise, piloted into or out of Liverpool, by any of the aforesaid pilots, shall pay for less than for eight feet draught of water: but if they shall draw more than eight feet, the overplus shall be paid for according to the aforesaid rates.

Not to pay for less than a certain draught of water. Sect. 18.

Aliens' ships piloted into or out of the said port, to pay not less than 9s. nor more than 12s. for every foot of water, and so in proportion

Prices for piloting aliens' ships. Sect. 19.

37 Geo. 3. c. 78. for every half foot; no allowance to be made for draught of water above or under half a foot. And for piloting every such aliens' ship out of the said port, not less than 6s. nor more than 8s. shall be paid for every foot of water, and so in proportion for every half foot.

Less prices for  
aliens' ships, if  
not piloted from  
certain distan-  
ces.  
Sect. 20.

Alien's ships which shall not be piloted from the distance of the Great Ormshead, on the coast of Wales, not less than 8s. nor more than 11s. shall be paid, and so in proportion for every half foot; but no allowance made for any draught of water above or under half a foot.

Sect. 21.

The commissioners are empowered to regulate the prices of pilotage, according to the season of the year, provided they are not lower than the preceding rates.

Half pilotage.  
Sect. 22.

If any ship outward bound, not having met with a pilot before the house (at present being the only house) on Great Hebro Island, shall bear south south west by the compass, or shall be piloted from the road of Hoylake only, no more than one half, on the rates for piloting such inward-bound vessels from any point short of the distance of the Great Ormshead, on the coast of Wales, shall be demanded or paid.

Committee to  
settle the pilot-  
age in certain  
cases.  
Sect. 23.

If none of the pilots as aforesaid shall board or offer his service, before such ship or vessel shall have passed the Brazil Buoy in the Rock Channel, or the Middle Patch Buoy in Forinby Channel, then the pilotage for conducting such ships or vessels into Liverpool, shall be fixed at the discretion of the committee at their next meeting.

Masters of ships inward bound, refusing to take on board a licensed pilot, who shall offer his service (except such as shall be in ballast in

the coasting trade, or be under the burthen of 100 tons,) shall pay to the pilot offering his service as aforesaid, the full pilotage, according to the different rates herein before-directed, as if such pilot had actually piloted such vessel into the port of Liverpool. 37 Geo 3. c. 78.

Pilots leading the way where no pilot can be procured, the vessel so piloted by such pilot leading the way, shall be liable to the same rates of pilotage as if such pilot had been actually on board; and such pilotage shall be applied to the stock of the boat to which such pilot shall belong. Pilots leading the way in any vessel. Sect. 25.

Ships in distress, standing in need of the assistance of any pilot, the compensation to be settled by the committee at their next meeting. Ships in distress Sect. 26.

Any licensed pilot being personally required to take charge of any ship in distress, after a proper signal being made, or where such ship cannot be boarded without imminent danger, refusing to lead the way in his boat, or shall refuse any extraordinary assistance to any ship in distress, shall for every such offence forfeit a sum not exceeding 10l. and be deprived of his license. Pilots refusing to assist ships in distress. Sect. 27.

Vessels outward bound, which may have been forced back by storm or otherwise, before such pilots have left or parted with such vessels, the said committee to fix and determine at any of their meetings, an additional compensation for the same; such compensation not to exceed a moiety of the rates. Vessels forced back. Sect. 28.

Vessels forced back after having parted with such pilot, and which shall be conducted by such master and commander into the road of Vessels forced back. Sect. 29.

37 Geo. 3 c. 78. Hoylake; and if no such licensed pilot shall be employed to conduct such vessel out of the road of Hoylake to sea, then one half of the full sum shall be paid for such pilotage.

Distances to which vessels are to be piloted out.

Seçt. 30.

Every licensed pilot of any ship sailing out of Liverpool, through Formby Channel, shall pilot such ship so far to the westward as the buoy, called the North West Buoy; and if such ship shall be piloted out through the Rock Channel, such pilot shall pilot the same so far to the westward as the North West Buoy of Hoyle, if the captain or commander of such vessel shall require it; and upon refusal, such pilot shall not be entitled to any pilotage, and be deprived of his license.

Places to which vessels are to be piloted inwards.

Seçt. 31.

Every licensed pilot, who shall pilot any ship into the said port of Liverpool, shall take care (if need be) to cause such ship to be properly moored at anchor in the River Mersey, and afterwards conduct such ship into one of the wet docks within the said port; but in case such attendance shall be required during the anchorage of such ship in the River Mersey, and before she is docked, 5s. per day shall be paid, as hereinafter provided.

When masters may pilot their own vessels.

Seçt. 32.

Masters and commanders of any ship in ballast, in the coasting trade, or any ship being under the burthen of 100 tons by the certificate of registry, in the coasting trade, may pilot his said ship into or out of Liverpool; and any person or persons may assist ships in distress.

Masters giving false accounts of draught.

Seçt. 33.

Masters of ships to give a true account of the draught of water to the pilot employed, who if he shall suspect the truth of such declaration,

is authorised to admeasure his ship, and if it shall be found that such master and commander wilfully and fraudulently gave a false account, he shall forfeit double the amount of pilotage, pay the expences of such admeasurement, and be subject to a fine, at the discretion of the committee, not exceeding 10*l.* nor less than 2*l.* together with all expences. 37 Geo. 2. c. 78.

Licensed pilots, attending daily, shall be paid 5*s.* a day for his attendance; or if dismissed in less time than a whole day, he shall be paid 5*s.*; and pilots shall be paid for every day of their attendance whilst in the river, except the day of going to sea with ships outward bound, and the day of returning from sea, and the day of decking for such as shall be outward bound. Pilots attending daily.  
Sect. 34, 35, & 36.

Masters of vessels outward bound, (except in ballast, in the coasting trade, or under 100 tons burthen,) proceeding to sea without a licensed pilot, shall pay to the pilot who first or only offered his service, the full pilotage. Masters outward bound refusing to take pilots.  
Sect. 37.

Every person taking or appearing to take charge, agency, or consignment of any ship, so chargeable with the respective rates, for pilotage and extra attendance, outward bound, shall be accountable for such rates of pilotage, as shall be so due, according to the aforesaid rates; and the same may be levied by distress and sale, after the expiration of three days from the time when such pilotage shall have been demanded. Persons liable to pilotage.  
Sect. 38, 39.

Masters of ships, forcibly taking pilots to sea beyond the limits herein prescribed for Penalty on masters forcibly taking pilots to sea.



37 Geo. 3. c. 78. pilotage, shall forfeit and pay a sum not exceeding 20l. nor less than 5l. at the discretion of the committee; and reasonable compensation, according to the discretion of the committee, shall be made to such pilots.

The subsequent sections of this act relate to the accounts of the corporation.

## Pirates.

**T**HE proceedings against persons charged with the commission of capital crimes upon the high seas, being after the course of the civil laws, which require, before any judgment of death can be given against the offenders, that they must either confess their crime, or else that the offence shall be plainly and directly proved by witnesses indifferent, who absolutely saw the offence committed, a species of evidence extremely difficult to be procured, in cases where the offences are committed by offenders upon the sea, who frequently kill or murder such persons, being in the same ship or boat, who might be evidences against them; and because the witnesses are in general seafaring men, and from their avocations not always to be procured without great inconvenience to themselves, and considerable costs and charges to the king and the prosecutors;

To remedy these inconveniencies, it was enacted,

That all such offences done upon the sea, or in any haven, creek, or river, where the admirals have jurisdiction, shall be inquired, tried, heard, and determined, in such shires and places in the realm as shall be limited by the king's commission, to be directed for the same, in like form and condition as if such offences had been done upon the land.

28 Hen 8. c. 4.  
Before what  
persons offences  
committed upon  
the sea shall be  
heard and deter-  
mined.

Such commissions to be under the great seal, directed to the admirals, their lieutenants or deputies, and to three or four such other substantial persons, as shall be named by the lord chancellor.

28 Hen. 8. c. 4.  
f. 2.

By what jurors  
the same offences  
shall be en-  
quired of.

The commissioners, or any three of them, shall have power and authority to enquire of such offences by the oaths of twelve good and lawful men, of the same shire limited in the commission, as if such offences had been committed upon land in the same shire.

All indictments found and presented before such commissioners shall be valid in law.

The same process, judgment, and execution, shall be had against such persons so indicted, as is used by the common law against persons charged with similar felonies committed upon land.

Persons convicted by authority of such commission, shall suffer such punishment, as if they had been convicted of similar felonies committed upon land.

Clergy not to be  
allowed.  
Stat. 3.

Offenders convicted of robberies, felonies, and murders, done upon the sea, or within the jurisdiction of the Admiralty, are excluded from the benefit of clergy.


Commissions di-  
rected to the  
Cinque Ports.

Any commission for the punishment of the above offences, which shall be sent to any place within the jurisdiction of the Cinque Ports, shall be directed to the Lord Warden of the Cinque Ports, or his deputy, and three or four such other persons as the Lord Chancellor shall appoint.

Commissioners  
authority ex-  
tended to trea-  
sons, and four  
to constitute a  
quorum.

28 Hen. 8. c. 15  
f. 1. & 2.

The next act of the ensuing year of the same reign, differs only from the former in two points, namely, in extending the crimes therein enumerated to TREASONS; and by the second clause the number of commissioners, three of whom, by the preceding act, constituted a quorum, is extended to *four*. These commissioners have authority to hear and determine

any TREASONS, felonies, robberies, murders, 29 Hen. 8.  manslaughter, or such other offences committed within the cognizance of the Admiralty.

There does not appear to have been any other act passed relative to this subject till the reign of King William, when the numerous acts of piracy and depredations committed by sea, in the East and West Indies, required a tribunal more extended, and more summary punishment.

The preamble to this act, 11th and 12th W. III. recites the 28th Hen. VIII. c. 15. in consequence of which act, the trial of the offenders mentioned in that act, before the admiral, or his lieutenant, or commissary, had been altogether refused; that since the making of the said act, and especially of late years, it had been found by experience, that persons committing piracies, robberies, and felonies, on the seas, in or near the West Indies, and in places very remote, could not be brought to condign punishment without great trouble and charges, in sending them into England, to be tried within the realm, (as directed by the said statute,) insomuch that many idle and profligate persons have been thereby encouraged to turn pirates, trusting that they should not be easily questioned for such their robberies, on account of the great trouble and expence to prosecutors; that their numbers had of late very much increased, and their insolencies were so great, that unless a speedy remedy were provided to suppress them, by a strict and more easy way for putting the ancient laws in that behalf in execution, the trade and navigation into remote parts would very much suffer thereby.

By this act it is provided,

That *piracies, felonies, and robberies*, committed upon the sea within the cognizance of the Admiral, may be examined, enquired of, tried, heard, determined, and adjudged, according to the directions of this act, in any

11 & 12 Wm. 3.  
c. 7. f. 1.  
How and where  
piracies and felonies, committed upon the sea, may be tried.

12 Wm. 3.  
c. 7.

place at sea, or upon the land, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose, by commission under the great seal of England, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his Majesty's ships of war; and also to all or any such person or persons, officer or officers, by name or for the time being, as his Majesty shall think fit to appoint; which said commissioners, shall have full power, jointly or severally, by warrant under the hand and seal, of them or any of them, to commit to safe custody persons against whom informations of piracy, robbery, or felony, upon the sea, shall be given upon oath, which oath they are empowered to administer, and to call and assemble a court of admiralty on ship board, or upon the land, as often as occasion shall require; which court shall consist of seven persons at the least.

If so many of the aforesaid persons cannot be conveniently assembled, then any three of them (whereof the president or chief of some English factory, or the governor, lieutenant governor, or member of any of his Majesty's councils in any of the plantations or colonies, or commander of one of his Majesty's ships is always to be one) shall have full power and authority to call and assemble any other persons on ship board, or upon the land, to make up the number of seven.

Persons qualified  
to sit on courts  
of admiralty.  
Sect. 3.

Only known merchants, factors, or planters, or captains, lieutenants, or warrant officers of king's ships, or masters or mates of English ships, to sit on courts of admiralty.

Such courts may issue warrants for bringing offenders before them, and summon witnesses, and examine them on oath, and do all things necessary for hearing and determining, and giving sentence of death, and award execution according to the civil law and the rules of the Admiralty.

11 & 12 Wm. 3.  
c. 7. s. 4.  
Power of courts  
of admiralty.

When any court is assembled as aforesaid, the king's commission shall be first openly read, and the said court publicly proclaimed: then the president shall take the following oath:

Oath to be taken  
by the president.

I, ———, do swear, in the presence of Almighty God, that I will truly and impartially try, and adjudge the prisoner or prisoners which shall be brought upon his or their trials before this court, and honestly and duly on my part, put his Majesty's commission for the trying of them in execution, according to the best of my skill and knowledge; and that I have no interest, directly or indirectly, in any ship or goods, for the piratically taking of which any person stands accused, and is now to be tried.

So help me God.

Having taken the oath in manner aforesaid, he shall administer the same to every member of the said court, and immediately thereupon the prisoner is to be brought formally before them. The registrar is then to read the articles against such prisoner, upon which he is to be tried; whereof shall be set forth the particulars of the piracy, robbery, and felony, with the time and place when and where, and in what manner it was committed; after which the prisoner is to be asked whether he is guilty or not guilty of the robbery, &c. &c.? whereupon the prisoner is to plead guilty or not guilty; or else it shall be

Mode of pro-  
ceeding.  
Sect. 5. & 6.

21 & 22 Wm. 3.  
c. 7.

taken as confessed, and he shall suffer in like manner as if he had been convicted upon oath of witnesses or his own confession: but should the prisoner plead not guilty, witnesses shall be produced by the registrar, and duly sworn and examined openly in the prisoners presence, and after a witness has answered all the questions proposed by the president of the court, and given his evidence, the prisoner may have the witness cross-examined, by declaring to the court what questions he would have asked; the president shall interrogate the witness accordingly; and every prisoner shall have liberty to bring witnesses in his own defence, who shall be sworn and examined upon oath, after which the prisoner is to be fairly heard in his defence; all which being done, the prisoner shall be taken away, and all other persons except the registrar shall withdraw; the court is then to consider of the evidence that has been given, and debate the matters and circumstances of the prisoner's case; the president shall collect all the votes, beginning with the junior first, and ending with himself; and according to the plurality of voices, sentence and judgement shall be then given, and pronounced publickly in the presence of the prisoner. And according to such sentence the prisoner is to be executed, at such time, in such manner, and in such place upon the sea, or within the ebbing and flowing thereof, as the president or the major part of the court, by warrant directed to a provost martial, (which they shall have power to constitute,) shall appoint.

Mode of execution.

Duty of the registrar.  
Sect. 7.

Registrar of a court of admiralty to be a notary public; and in his absence the president to appoint one, who shall prepare all warrants

and articles, and provide all things necessary for any trial, and shall take minutes of the proceedings, and enter them in a book to be kept by him for that purpose, and shall transmit the same from time to time, with the copies of all articles and judgements given in any court whereof he shall be registrar, to the High Court of Admiralty of England. 11 & 12 Wm. 3. c. 7.

British subjects committing any piracy or robbery under foreign commissions, shall be adjudged pirates, and suffer as such. Who to be adjudged pirates. Sect. 8.

Masters of ships, seamen or mariners, running away with their ship, or any barge, boat, ordnance, ammunition, goods, or merchandize, or yielding them up voluntarily to any pirates; or bringing any seducing message from any pirate, enemy, or rebel; or endeavouring to corrupt any commander, master, officer, or mariner, to yield up or run away with any ship, goods, or merchandize; or turning pirate, or going over to pirates; or any person hindering his commander from fighting in defence of his ship; or confining his master, and endeavouring to make a revolt in the ship, shall be deemed and adjudged to be a pirate, and suffer death as such. Sect. 9.

Persons fitting out or aiding pirates, &c. adjudged accessaries; and knowingly concealing pirates, or knowingly receiving ships or goods piratically taken, adjudged pirates. Accessaries to suffer death, loss of lands and goods, as principals. Persons aiding pirates, &c. to be adjudged pirates. Sect. 10.

Seamen wounded in defending a ship, and widows and children of the slain, rewarded by an assessment on the owners not exceeding two per cent. on the freight, ship and goods so defended. Seamen defending ships, how to be rewarded. Sect. 11.



11 & 12 Wm. 3.  
c. 7.  
Rewards for  
discovering  
combinations,  
&c.  
Sect. 12.

A reward of 10l. for discovering any combination to run away with a ship of 100 tons and less, and 15l. for every ship of greater burthen, to be paid by the commander or master of such ship, to such person as shall first make the discovery.

Commissioners may try offences in the colonies, and to be assisted by governors, &c.

1 Ann. st. 2.  
c. 9.

Wilfully destroying a ship, felony, without clergy; and may be tried at sea as piracy, or in any county limited in the king's commission.

4 Geo. 1. c. 11.  
f. 9.

Offenders against 11 and 12 Wm. 3. c. 7. may be tried as directed by 28 Hen. 8. c. 15.

11 and 12. Wm. 3. c. 7. extended to America.

8 Geo. 1. c. 24.  
§ 1.

Persons forcibly  
boarding ships,  
&c. to be ad-  
judged pirates.

Trading with pirates punished as piracy.

Persons forcibly boarding a ship, and throwing the goods overboard or destroying them, although they do not seize and carry off the ship, shall in all respects be deemed and punished as pirates.

Ships fitted out  
to trade with  
pirates to be for-  
feited, &c.  
Sect. 2

Ships fitted out to trade with pirates, and the goods on board forfeited, one half of which to the king, and the other to the person who makes the discovery.

Accessaries to be  
tried as principal.  
Sect. 3, 4.  
Sect. 5.

Accessaries to piracy to be tried as principals, and excluded benefit of clergy.

Seamen maimed in fight against pirates, to be rewarded and admitted into Greenwich Hospital.

Penalty on mas-  
ters not defend-  
ing merchant ships  
against pirates  
Sect. 6.

Master or seamen not defending a merchant ship carrying guns, against a pirate, or discouraging others, forfeit their wages to the owners, and suffer six months imprisonment.

Not more than a moiety of seamens' wages to be paid abroad. 8 Geo. 1.

Natural subjects or denizens, in time of war, committing hostilities at sea, or in rivers, &c. under commissions from the enemy, or giving aid to the enemy at sea, or in rivers, &c. may be tried as pirates.

Persons committing hostilities at sea or in rivers, to be deemed pirates. 18 Geo. 2. c. 30.

Or may be tried for high treason.

Stat. 3.

Persons tried for murder or manslaughter, and found guilty of manslaughter only, shall be entitled to benefit of clergy, and subject to the same punishment as if committed on land.

39 Geo. 3. c. 37. s. 2.

## Privateers and Letters of Marque.

THE owners of privateers, by virtue of their commission, are empowered to appropriate to their own use, and divide in such manner as shall be agreed upon, whatever captures they may make, after such captures shall have been legally condemned as prizes: they are also entitled to an allowance \* from government, under the denomination of head-money, of 5l. for every man on board any man of war or privateer captured from the enemy, who was alive at the commencement of the action. With respect to recaptures also, they are entitled to salvage, amounting to *one-sixth* of the property so re-captured, belonging to his Majesty's subjects.

If the state be at war with different states, it is necessary that there should be either one commission including all, or separate commissions against each; otherwise, if a captain, having a commission only against the French, should fall in with and capture a Spaniard, such capture could not be condemned in the Admiralty as lawful prize, but might be taken away by such man of war as should first fall in with him.

The terms upon which men engage in such adventures, vary according as they can agree amongst themselves. Sometimes the agreement is upon the terms of *no prize no pay*; in which case, whatever be the produce of the prize, one moiety goes to the owners and the other to the men, to be divided between them pursuant to articles of agreement; but when the men sail for wages, the captures belong entirely to the owners, except a small proportion stipulated to be given to the crew in addition to their wages, as a reward to stimulate them to action.

\* 33 Geo. 3. c. 68.

A brief Abstract of the several Acts and Regulations, relative to the conduct of persons commanding private ships of war, as far as they are particularly and exclusively concerned in captures, is given in the following pages. Those who wish to consult this subject more at large, will find details more ample under the more appropriately distributive head, PRIZES.

*ABSTRACT of an Act for the Encouragement of Seamen, and for the better and more effectually manning his Majesty's Navy.*

The Lords of the Admiralty, or any persons by them empowered, shall, at the request of any owner or owners (whom they may deem duly qualified) of any ship or vessel, registered pursuant to act of parliament, upon proper security being given, cause to be issued in the usual manner commissions or letters of marque, and all captures made by such private ship or vessel, according to such commission, shall wholly belong to, and be divided among the owners of such ship or vessel, and the several persons who shall be on board the same, in such shares and proportions as shall be agreed upon with the owners, their agents or factors \*.

33 Geo. 3. c. 62.  
 § 9.  
 Lords of the Admiralty to issue letters of marque and reprisal.

Private ships of war under convoy, not to share in any prizes captured by his Majesty's ships of war, unless such private ship or vessel shall have received orders from the commander of the convoying ship to chase, or otherwise act hostilely against the enemy, and shall have been actually aiding and assisting in such capture.

Private ships of war under convoy.  
 Sect. 12.

Bail and security to be given before letters of marque are issued.

\* By the 38th Geo. III. this section is extended to Dutch and Spanish captures.

23 Geo. 3. c. 66.

§. 15.

Mode of proceeding to obtain letters of marque.

Persons applying for letters of marque to make such application to the Admiralty in writing, setting forth a true and particular description of the ship for which such letter of marque is requested, specifying her name and burthen, built, number and nature of the guns on board her, names of her owner, and the number of men intended to be put on board the same; all which particulars shall be inserted in every commission or letter of marque, to be granted in pursuance of this act: and every commander of such privateer shall produce such commission to the collector, customer, or searcher of the customs belonging to the port where such vessel shall be first fitted out, or to his lawful deputy, who upon inspecting the same, and finding the said private ship of war to agree with the description contained in the commission, shall give a certificate thereof under his hand to such commander, which certificate shall be deemed a necessary clearance before such ship shall be permitted to sail from that port: and every commander of such privateer departing without such certificate, or proceeding upon a cruize, with a force inferior to that specified, every such commission or letter of marque shall be null and void, and the commander shall forfeit *one thousand pounds* to any person who will sue for the same, and be imprisoned for such time as the court shall direct, not exceeding one year for any offence.

Penalty on collectors granting false certificates.  
Sect. 26.

Collectors of the customs granting false certificates to forfeit their office, be incapable of holding any office under government, and forfeit 100*l.* one moiety to the informer, and one moiety to the treasurer of the Merchant Seamen's Hospital.

The burthen of such ship or vessel so to be certified to be ascertained by her certificate of registry, which said certificate shall be produced to the Lords of the Admiralty previous to the issuing of the commission.

33 Geo. 3. c. 66.  
f. 17.  
Tonnage of letter of marque to be ascertained by registry.

Every ship and vessel for which such commission or letter of marque shall be granted, and while the same shall remain in force, but no longer, shall be deemed and taken to be licensed pursuant to the act of the 24th Geo. 3. c. 47. for the more effectual prevention of smuggling in this kingdom, although the owner thereof shall not have been furnished with the license required by the said act.

Letters of marque licensed under 24 Geo. 3. c. 47.

Owners or commanders of privateers, guilty of offences contrary to acts of parliament for the protection of the customs or excise, or for the prevention of smuggling, to forfeit the commission or letter of marque, besides all other penalties and forfeitures which shall be incurred by reason of such offence.

How letters of marque may be forfeited.  
Sect. 19.

Letters of marque may be revoked by the Admiralty; notice to the owners or commanders thereof of such revocation to be given by the secretary to the Admiralty with all convenient speed.

Admiralty may revoke letters of marque.  
Sect. 20.

All offences committed on board privateers may be punished by court martial in such manner as similar offences committed on board his Majesty's ships of war.

Sect. 21.

Commanders of letters of marque going into any of the ports or harbours in the colonies or plantations of America, to be subject to the colonial laws and regulations.

Sect. 22.

Privateers ransoming their captures, the letters of marque shall be forfeited, and the com-

c c

33 Geo. 3. c. 66. mander shall suffer such penalties of fine and imprisonment as the court of admiralty shall adjudge.

Head money.  
Sect. 40.

Five pounds per man shall be paid, for every man who was living on board any ship or vessel, taken, burnt, sunk, or destroyed, at the beginning of every attack or engagement between them; the number to be proved by the oaths of three or more of the chief officers or men of the said ship or privateer of the enemy.

Salvage upon  
captures.  
Sect. 42.

Ships belonging to any of his Majesty's subjects, recaptured from the enemy by any privateer, one-sixth part of the value of such recapture shall be paid to the owners, officers, and seamen of such privateer, to be divided between them, in such manner and proportions as shall have been previously agreed upon.

*ABSTRACT of an Act to amend the preceding Act, and for making further Provisions for these Purposes.*

38 Geo. 3. c. 11.  
f. 1.

Regulations of the preceding act of 33d Geo. 3. c. 66. respecting vessels, &c. belonging to France.

Letters of  
marque granted  
by 33 Geo. 3.  
c. 66. to be issued  
under this  
act.

Letters of marque granted pursuant to the 33d Geo. 3. c. 66. f. 11. having cleared out of port conformably to the provisions of the former act, and no opportunity having since occurred for the owners of such ship, or their agents, to obtain a commission or letter of marque, in pursuance of this act, the Lords of the Admiralty may order a commission or letter of marque to be issued, under the provisions of this act, for any such ship or vessel, upon the production to them of an *authentic copy* of the certificate of registry, under the hand of the collector,

Comptroller, or other proper officer of the customs. 38 Geo. 3. c. 11.

The commanding officer of every ship having a commission or letter of marque during the present hostilities, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings with such ship and the crew thereof, the ports or places he shall put into or cast anchor in, the time of his stay there, and the cause thereof, the prizes he shall take, the nature and probable value of such prizes, the times and places when and where taken, and how and in what manner he shall dispose of the same, the ships or vessels he shall fall in with, the times and places when and where he shall meet with them, and his observations and remarks thereon; also of whatever else shall occur to him or any of his officers or mariners, or to be discovered or found out by examination or conference with any mariners or passengers of or in any other ships or vessels; or by any other ways or means whatsoever, touching or concerning the fleets, vessels, and forces of the enemy, their ports and places of station and destination, strength, numbers, intents, and designs: and such commanding officer shall immediately on his arrival in any port of this kingdom, or of any other of his Majesty's dominions, from or during the continuation of any voyage or cruize, produce his commission for such ship or vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and hand-writing, to the collector, comptroller, or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being; and such collector, &c. shall immediately on arrival order

Duty of commanders of letter of marque; keeping a journal, &c.



38 Geo. 3 c. 11. the surveyor, or other water-guard officer, to go on board, and take an account of his officers and men, the number and nature of the guns, and whatever else shall occur to him, on examination, material to be known by the Lords of the Admiralty; and no such ship shall be permitted to sail out of port again, after such arrival, until such journal shall have been delivered up, and a certificate obtained under the hand of such collector, &c. that she is manned and armed according to her commission, which certificate is to be given gratis; and upon delivery of this, the former certificate of the like nature shall be given up. Collector granting fraudulent certificates to forfeit his office, be incapable of holding any other office under government, and also forfeit 100l. one moiety to the informer, and the other moiety to the treasurer of the Merchants Seamen's Hospital.

Rules, to be observed by captains of letters of marque on falling in with his Majesty's ships of war or revenue.  
Sect 9.

Captains of letters of marque, in case of falling in with any or his Majesty's ships of war, or of revenue, shall produce to the commanding officer his said journal, commission, and the certificate given by the collector, &c. and the commanding officer of such ship of war or revenue shall make a memorandum in such journal of the day in which it was so produced to him, and shall subscribe his name to it: and in case such letter of marque shall put into any foreign port where there is a British consul, or other chief British officer, the captain shall produce such journal, &c. to such consul or British officer; and such captain, or British consuls shall and may go on board and number the officers and crew, and examine the guns, arms, and ammunition, and if the same shall not correspond with the commission and certificate respectively, such captain or British consul, &c.

shall forthwith communicate the same to the Secretary of the Admiralty. 38 Geo. 3.

Commanders of letters of marque neglecting to keep a journal as aforesaid, or wilfully making fraudulent entries therein, or obliterating any material transactions, where his Majesty's interest is any manner concerned, or refusing to produce such journal, commission, or certificate, pursuant to the preceding clause, &c. then, and in each of the said cases, the commission or letter of marque to be null and void, and such captain, &c. shall forfeit for every such offence the sum of 500l. one moiety thereof to Greenwich Hospital, and the other moiety to the person who shall sue for the same; and any captain taking a false oath on delivering such journal, shall be guilty of perjury.

Penalty on captains not keeping journals.  
Sec. 10.

The following is an Abstract of as much of his Majesty's Proclamation for the distribution of prizes as relates to letters of marque,

1. All prizes taken by ships and vessels, having commissions of letters of marque and reprisals, may be sold and disposed of by the merchants, owners, fitters, and others, to whom such letters of marque and reprisals are granted, for their own use and benefit, *after final* adjudication, and not before.

Privateers which shall be found at sea, or in port, or at any distance from the coast, having on board any foreign brandy, or other foreign spirituous liquors, in any vessels or casks which shall not contain *sixty gallons at the least*, except only for the use of the seamen, not exceeding two gallons for each seaman, or any tea exceeding the quantity of *six pounds weight*, or any goods whatever which are or may be liable to forfeiture upon being imported into Great Britain,

33 Geo. 3. c. 34.  
§ 11  
Privateers, &c.  
having on board  
prohibited goods  
to be forfeited.

then, not only such goods, but the ship or vessel on board which they shall be found, with all her guns, furniture, ammunition, tackle, and apparel shall be forfeited and lost, and the letters of marque, or general reprisals, or any other commissions for such ship or vessel shall be null and void.

Instructions for the commanders of such merchant ships or vessels, who shall have letters of marque and reprisals against the ships, goods, and subjects of France, dated 14th of February 1793; and against the ships, goods, and subjects of the *United Provinces*, dated 10th of October 1795.

Against whom  
and in what  
places letters of  
marque may act.

ART. I. All ships, goods, and merchandizes, the property of France and the *United Provinces*, or persons residing within the territories of either; but no hostility is to be committed, nor prize attacked, seized, or taken within the harbours of princes and states in amity with us, or in their rivers or roads, within the shot of their cannon, unless by permission of such princes or states, or of their commanders or governors in chief of such places.

Captures to be  
brought.

II. The commanders of ships and vessels so authorized as aforesaid, shall bring all ships, vessels, and goods, which they shall seize and take, into such port of England, or of some other port of our dominions, as shall be most convenient to them, in order to have the same legally adjudged in our High Court of Admiralty of England, or before the judges of any other admiralty court lawfully authorized within our dominions.

Conduct of the  
captor after the  
capture is  
brought into  
port.

III. As soon as any capture shall be brought into port, the taker or one of his chief officers, or some other person present at the capture, shall

be obliged to bring or send, as soon as possibly may be, three or four of the principal of the company (whereof the master, mate or boat-swain to be always two) of every ship or vessel so brought into port, to the proper court of admiralty, to be sworn and examined upon such interrogations as shall tend to the discovery of the truth concerning the interest or property of such captures; and the taker shall be further obliged, at the time he produceth the company to be examined, and before any monition shall be issued, to bring and deliver into the hands of the judge of the High Court of Admiralty of England, his surrogate, or the judge of such other admiralty court, lawfully authorized, or others legally commissioned to receive the same, all such papers, passes, sea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings, as shall be delivered up, and otherwise found on board at the time of the capture, making oath that the said papers and writings are brought and delivered in as they were received and taken, without any fraud, addition, subduction, or embezzlement, or otherwise to account for the same upon oath to the satisfaction of the court.

IV. All ships, vessels, goods, wares, merchandizes, and effects, taken by virtue of letters of marque, shall be kept and preserved, and no part of them shall be sold, wasted, spoiled, or diminished; and the bulk thereof shall not be broken before judgment be given in some court of admiralty lawfully authorized, that the ship, goods, and merchandizes are lawful prize.

Bulk not to be broken before judgment.

V. Privateers shall use their best endeavours to give aid and succour to all ships found in distress.

Privateers to assist ships in distress.

distress, by being in fight, set upon, or taken by the enemy, or by reason of any other accident.

The VIth article, relative to the application to the Admiralty for letters of marque, is almost verbatim the same as the 15th clause of the 33d Geo. 3. c. 66. ; the only difference between them is, that by the article *the names of the commander and officers of the privateer* are to be included in the application. [This clause will be found in page 384.]

Correspondence  
with the Admiralty.

VII. Commanders of letters of marque are to correspond with the admiralty or their secretary, and to give from time to time accounts of their captures and proceedings by virtue of such commissions, and whatever else shall occur be discovered and declared to them or found out by them, or by examination of, or conference with, any mariners or passengers of or in the ships or vessels taken, or by any other ways or means whatsoever touching or concerning the designs of the enemy, or any of their fleets, ships, vessels, or parties; and of the stations, sea-ports, and places, and of their intent therein: and of what ships or vessels of the enemy bound out or home, or where cruising, as they shall hear of; and of what else material in these cases may arrive at their knowledge.

What colours  
are to be borne  
by privateers.

VIII. No commander of any privateer to wear any jack, pennant, or other ensign usually borne by ships of war; but, besides the colours usually borne by merchant ships, they are to wear a red jack with the union-jack described in the canton at the upper corner thereof near the staff.

IX. No commander of any privateer shall ransom, or agree to ransom, or quit and set at liberty any ship or vessel, or their cargoes, which shall be seized and taken.

Not to ransom  
any capture.

X. All captains of privateers or letters of marque shall send an account of and deliver over what prisoners shall be taken on board any prizes, to the commissioners appointed or to be appointed for the exchange of prisoners of war, or the persons appointed in the sea-port towns to take charge of prisoners; and that such prisoners be subject only to the orders, regulations, and directions of the said commissioners: and no commanding officer of any privateer shall presume upon any pretence whatever to ransom any prisoners.

Prisoners to be  
delivered to the  
proper commis-  
sioners.

XI. Commanders of letters of marque, acting contrary to these instructions, his commission to be forfeited, and he and his men shall be proceeded against and condemned with full costs of suit.

Commission to  
be forfeited for  
acting contrary  
hereto.

XII. All commanders of letters of marque shall, by every opportunity, transmit to the admiralty exact copies of their journals, and proceed to the condemnation of their prizes without delay.

Copies of jour-  
nals to be trans-  
mitted to the  
Admiralty.

XIII. Commanders of privateers and letters of marque shall, upon due notice being given them, observe all such other orders and instructions as shall from time to time be given.

To observe all  
orders.

XIV. All persons who shall violate these or any other instructions, shall be severely punished, and also required to make full reparation to persons injured, for all damages they shall sustain for any capture, embezzlement, demurrage, or otherwise.

Violating these  
instructions.

Bail to be given,

XV. Before any letter of marque shall issue under seal, bail shall be given, with sureties, before the lieutenant and judge of the High Court of Admiralty in England, or his surrogate, in the sum of *three thousand pounds*, if the ship carry above 150 men; and if a less number, in the sum of 1500l.

This article likewise gives the *form* of the bail\*.

\* For further particulars relative to this head—See Page 1232.

## Prizes.

FROM the present defective state of the laws relative to the payment of prize money, it were much to be wished that this subject, now of more importance from the greater number of captures than at any former period, might be rendered equally satisfactory to the navy as the laws relative to the payment of seamen's wages.

As the law now stands, agents are only bound to make *one payment within six months*, and they are allowed *five per cent.* for agency: in the former case, although one payment must absolutely be made within six months after the capture, yet the *quantum* of that payment is left to the discretion of the agent; and in the latter instance, of the allowance of five per cent. when the various extra charges of brokerage, warehouse room, &c. &c. come to be enumerated, in addition to the *legal* allowance, it generally rises to about seven, eight, nine, ten, eleven, or twelve per cent, upon the whole amount.

When captures also are made in specie\*, the allowance of five per cent. ought to be considerably reduced, as we have instances of agents absolutely making their fortunes, as in the case of the late Spanish prizes, for the mere trouble of receiving with one hand, and after turning the money to all the account which is practicable in the present times, paying the sum to be distributed with the other.

The delays also of the courts of admiralty respecting the adjudication of prizes, is an abuse deserving immediate remedy; as by the present regulations any person may put in his claim, and prevent the distribution, or diminish the sum to be distributed to those brave men who have so hardly and nobly earned it; for the advantage of

\* Agents are allowed two and an half per cent. commission upon receiving, and two and an half per cent. upon paying, in all five per cent. and a long list of *et ceteras*, not less than fourteen.—In all cases of specie, the mode most equitable, and best approved in the Navy, is the distribution at the capstan head.



no set of men whatever, but the agents and the gentlemen of Doctors Commons.

It does not become the writer of this to suggest to the wisdom of the Legislature, by what mode these abuses are to be remedied, whether by a regulation compelling the agent to pay the whole of the capture within a certain time, and making the first payment a proportionate per centage upon the whole of the capture, or by limiting the allowance for brokerage, warehouse room, and other extra expences, to a certain sum not exceeding six or seven per cent. upon the whole value, and reserving a proportion to the amount of any claims, with the costs of litigation, until the determination of such claim, and thereby preventing any litigious claimant from locking up the prize money in the hands of the agent, to the great injury of the rest of the sharers \*. Whether these, or any of these remedies would be prudent or efficient, the author of this has not the presumption to assume; it is sufficient for him to point out the abuses, and in so doing he is conscious that he is writing in perfect unison with the feelings of every description of persons serving in the British Navy.

22 Geo. 2. c. 24.  
f. 1,  
Bargains or a-  
greements for  
sale of prize mo-  
ney to be void.

All and every bargain, sale, bill of sale, contract, or agreement, concerning any share or shares of prize money, are declared void and of no effect.

Agents to ac-  
count to Green-  
wich Hospital,  
Sect. 7.

Agents to account to the treasurer of Greenwich Hospital of the produce of any prize and bounty three months after the first payment of such prize money, with an account of the payment of the several shares, and after the expiration of the term of three years, within the limits of three months, give in the like accounts

\* The prize money for the Spanish ships captured on the 14th of February by Lord St. Vincent is not yet paid, on account of an undetermined claim set up by a frigate, which the rest of the fleet seem determined to resist.

of prizes and bounty, and of the sums remaining in hand, not having been legally claimed, which sums are to be paid for the use of Greenwich Hospital.

22 Geo. 3. c. 24.

One hundred pounds penalty for not giving in accounts, or paying the remaining sums to the treasurer of Greenwich Hospital.

100l. penalty for not giving in accounts. Sect. 8.

One hundred pounds penalty for any fraud, collusion, or deceit, in making, stating, or balancing such accounts, one-third of which to be to the use of his Majesty, one-third to the use of the Hospital, and the other third to the informer.

Penalty for fraud in making, stating, or balancing accounts. Sect. 9.

Oaths and certificates relating to prizes may be administered and taken before the mayor or other chief magistrate of any port within his Majesty's dominions, or before any British consul or vice-consul residing at any neutral port, where any prizes shall be brought, proof being first made by affidavit before such persons of the inability of making such oath and obtaining such certificate, at the first port the prize was brought to; which certificates shall be good and effectual to all intents and purposes, as if the same were granted by the mayor or other chief magistrate, consul or vice-consul of the port to which the prize shall have first been brought.

Oaths and certificates relating to prizes may be administered and taken before the mayor or other chief magistrate. Sect. 10.

Flag officers, commanders, and *other officers*, seamen, marines, and soldiers, on board every ship of war in his Majesty's service, who shall take any fortrefs upon the land, or any arms, ammunition, stores of war, goods, merchandize, and treasure, belonging to the state or any public company of the enemies of the Crown of Great Britain, upon the land, or any ship or vessel, or merchandizes laden on board

33 Geo. 3. c. 66. f. 2.

To be entitled to arms, &c. taken in any fortrefs upon land, and vessels, &c. trading in any creek defended thereby.

33 Geo. 3. c. 66. the same, in any creek, river, haven, or road, belonging to or defended by the said fortress upon the land, shall have the sole interest and property of every such ship, merchandize, arms, ammunition, stores, treasure, &c. after final adjudication thereof as lawful prize in any of his Majesty's courts of admiralty, to be distributed by his Majesty, in such proportions as hereinbefore mentioned.

Where the navy and army act jointly against a fortress, the proportion of prizes to be as his Majesty shall direct.  
Sect. 3.

Where the navy and army, in all conjunct expeditions against any such fortress upon the land, directed by instructions from his Majesty, the officers, seamen, marines, and soldiers, acting in such conjunct expedition, shall have such proportionable interest and property as his Majesty, under his sign manual, shall direct.

If no instruction given by his Majesty, the respective commanders in chief may settle the division, &c.  
Sect. 4.

But if no such instructions shall be given by his Majesty for the division of such captures, pursuant to the preceding clause, the respective commanders in chief of the fleet and army employed, may make agreements in writing for the division of the captures between the said fleet and army; which agreements being approved and confirmed by his Majesty, shall be binding on all persons, and the share assigned to the fleet by such agreement shall be distributed therein according to his Majesty's proclamation; and the share assigned to the army shall be distributed amongst the officers and soldiers, in the proportions correspondent to the said agreement.

Sect. 5.

The army not entitled to share in the distribution of any ships, vessels, &c. captured in the voyage to and from such fortress.

Shares of persons run, and shares not demanded within a limited time, to be forfeited; unless the run mark be taken off, and cause shewn why such shares

Shares of officers and seamen who shall have been marked RUN on any ship's books to which time, to be forfeited; unless the run mark be taken off, and cause shewn were not demanded in the limited time. Sect. 6.

they may have belonged ; and also all such shares of all officers and seamen, marines, soldiers, and others; which shall not be legally demanded within *three years* after the same shall have been paid to the treasurer of Greenwich Hospital, shall be forfeited to the use of the said hospital ; unless the run mark be taken off by the Admiralty, or by order of the Commissioners of the Navy ; and unless reasonable cause by the officers and seamen neglecting to demand their respective shares shall be shewn, and allowed by the governors of the said hospital for the time being, or by the judge of the High Court of Admiralty, why such share was not claimed in due time.

33 Geo. 3. c. 66.

Commanders of ships of war, having transports, or merchant vessels under convoy, who shall wilfully desert, or sail away from them in pursuit of, and with the view of capturing any ship or vessel of the enemy, (other than ships or vessels armed and fitted for war only, and which shall be seen hovering about or bearing down upon such convoy,) or having captured a prize, shall wilfully desert the convoy, for the purpose of carrying his prize into port ; or if the commander of any ship or vessel whatsoever, having on board his Majesty's dispatches, shall sail out of his proper course, in pursuit, and with the view of making prize of any ship or vessel of the enemy, and shall be duly convicted thereof by a sentence of court martial, such commander shall forfeit his share of every such prize to the use of Greenwich Hospital.

Commanders of ships of war to forfeit their shares of prizes, in certain cases, to Greenwich Hospital. Sect. 7.

Prizes taken by privateers to be divided among the owners of the vessels and captors, as may be agreed on between them.

Sec. 9.

33 Geo. 3. c. 66.  
Captured ships,  
&c. belonging to  
the excise, to  
belong to his  
Majesty.

All ships, goods, or merchandizes, captured by private ships of war belonging to the commissioners of the customs or excise, shall nevertheless belong to his Majesty, and be disposed of, after legal adjudication, in such manner as his Majesty shall order and direct.

Small privateers  
taken from the  
enemy, may be  
included in one  
adjudication.  
Sect. 11.

For the encouragement of the capture of small armed ships belonging to the enemy, it shall be lawful for the captors to include in one adjudication any number, not exceeding *six* of such small armed ships, having a commission or letter of marque from the enemy, not exceeding *fifty* tons each, and which shall have been taken within three months preceding the application to the court of admiralty for such adjudication.

Private ships of  
war, under con-  
voy, not entitled  
to share prizes  
taken during  
that period.  
Exception.  
Sect. 12.

Private ships of war, under convoy of his Majesty's ships, are not entitled to share any prizes, whilst the said commissioned ships shall remain under the care and protection of such convoy, unless such private ship or vessel shall have received orders from the commander of the convoying ships to chase, or otherwise act hostilely against the enemy, and shall have been actually aiding and assisting in such capture.

Sect. 13.

Ships, goods, wares, or merchandizes captured, to be liable to the importation duties.

Regulations and  
determinations  
respecting  
prizes.

For the more speedy proceeding in condemnation of prize ships, &c. and lessening the expences usual in such cases, the judge of the Court of Admiralty in England, and of any other court of admiralty thereto authorized, or such persons who shall by them be commissioned for that purpose, within *five days* after request made for that purpose, shall finish the usual preparatory examination of the persons

commonly examined in such cases, in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not; and the proper monition usual in such cases shall be issued by the proper persons, within the space of three days after request in that behalf made: and in case no claim of such captured ship or goods shall be usually entered or made in the usual form, and attested upon oath, giving twenty days notice, after the execution of such monition; or if there be such claim, and the claimants shall not, within *five* days from the time of entering such claim, give sufficient security (to be approved of by such court of admiralty) to pay double costs to the captors of such ship or goods, in case the same should be adjudged lawful prize; that then the judge of such court of admiralty shall, upon producing to him the said examination, or copies thereof, and also producing to him, upon oath, all the papers and writings which shall have been found on board such capture, or on board any other captured ship or vessel regarding the same, or upon oath made, that no papers or writings were found, proceed with all convenient speed to sentence, either to discharge and acquit such capture, or to condemn the same as good and lawful prize, according to the aforesaid papers or writings which shall be produced; and if such claim shall be duly entered and made, and security given thereupon, pursuant to the true intent and meaning of this act, and there shall appear no occasion to enter into any other examination, that then such judge shall, within TEN DAYS, if possible, after such claim made and security given, proceed to sentence as aforesaid touching such capture: but if, from examination of the preceding documents, it

33 Geo. 2. c. 66.

Directions for  
proceeding  
where the case  
is doubtful.

D D

33 Geo. 3. c. 66. shall appear doubtful to the said judge, whether such capture be lawful prize or not, and it shall appear to him to be necessary, for the clearing of such doubt, to have an examination of witnesses on pleadings given in by the parties and admitted by the judge, and such examination be denied, and still insisted upon on behalf of the captors, that the said capture is lawful prize, and the contrary on the part of the claimant; that then, and in such case, the said judge shall forthwith cause such capture to be appraised by persons well skilled in the same, to be named by the parties, and approved and appointed by the court, and sworn truly to appraise the same according to the best of their skill and knowledge, for which purpose the said judge shall cause the goods to be unladen, and (an inventory thereof being first taken, if the judge shall think necessary, by the marshal of the admiralty or his deputy) shall cause them to be put into proper warehouses with separate locks of the collector and comptroller of the customs, or where there is no comptroller, then of the naval officer and the agents or persons employed by the captors and claimants at the charge of the party desiring the same, and shall, after such appraisement, and within the space of *fourteen days* after the making of the said claim, proceed to take good and sufficient security from the claimants, to pay the captors the full value thereof, according to such appraisement, in case the same shall be adjudged lawful prize, and shall also proceed to take good and sufficient security of the captors, to pay such costs as the court shall think proper in case such ship or goods shall not be condemned as lawful prize: and after such securities duly given, the said judge shall

On security  
judge to order  
the prize to be  
delivered to the

claimants. Sect. 23.

make an interlocutory order for releasing or delivering the same to such claimants or their agents, and the same shall be actually released and delivered accordingly. 33 Geo. 3. c. 66.

But if the above claimants shall refuse to give such security, the judge, upon good and sufficient security from the captors, shall thereupon proceed to make an interlocutory order for releasing or delivering the same to the captors or their agents, in case any such captures shall be adjudged not to be lawful prize.

*If they refuse to give security, judge, on security from the captors, to order it to be delivered to them.*  
Sect. 24.

All captures which shall be brought into any of his Majesty's dominions abroad, shall without breaking bulk stay there, and be under the joint care and custody of the collector and comptroller of the customs, and where there is no comptroller, then of the naval officer of the port or place where the same shall be brought, and the captors or claimants thereof, and their agents, subject to the directions of the court of vice-admiralty, until the same shall be either cleared or discharged, or adjudged and condemned as lawful prize, or that such interlocutory order as aforesaid shall have been made for the releasing or delivering the same, and upon condemnation thereof as lawful prize, shall immediately be delivered unto the captors or their agents.

*Captures brought into his Majesty's dominions abroad, to be under the care of the officers of the customs, &c. till sentence.*  
Sect. 25.

All books, papers, and writings, found in any ship or vessel taken as prize, shall without delay be brought into the registry of the court of admiralty upon oath; but only such books, papers, and writings shall be made use of and translated as shall be agreed or insisted upon by the proctors of the several parties, captors or claimants, or, in case of no claim, by the captor or his proctor, or agent, or register, to

*All writings found on board captures, to be brought into the registry of the court of admiralty. &c.*  
Sect. 26.



33 Geo 3. c. 66 be necessary for ascertaining the property of such ship or vessel, and cargo thereof.

No more than certain sums to be paid to the officers of courts of vice-admiralty abroad.  
Sect. 27.

No more than *ten pounds* to be paid among the judge and officers of any court of vice-admiralty in his Majesty's plantations and dominions abroad, towards adjudging or condemning any capture as lawful prize, if such ship or vessel, so condemned, be under the burthen of *one hundred tons*; nor above the sum of *fifteen pounds* in case the same be of that or any greater burthen; the same to be disposed of or divided, as such judge shall think fit: and every judge of such court, after payment or tender of the above sums, as the case may be, who shall wilfully delay proceeding, pursuant to the tenor of this act, or the instructions which shall from time to time be given to such judge or officer by his Majesty with the advice of the Privy Council, shall, for every such offence, forfeit the sum of 500*l.* one half to the king, and the other half to the informer.

Penalty for delay of proceeding in such courts.

Sect. 28.

Appeals from sentences of courts of admiralty may be made to the commissioners for appeals; but the execution of sentences not to be suspended if the appellee give security.

Sect. 29.

Persons not parties in the first instance to enter their claims, or appeals to be void.

Appellants to take out inhibitions within certain periods, or appeals not prosecutable. Persons not being parties in the first instance to give in claims within a year.  
Sect. 30.

Appellants in prize causes, who shall appeal against any sentence, or interlocutory decree, having the force of a definitive sentence of any court of admiralty, or vice-admiralty, who shall appeal therefrom within fourteen days, shall prosecute such appeal by taking out the usual inhibition *within three months* after such sentence, if given in the High Court of Admiralty; and *within nine months*, if such sentence or decree shall be given in any of the vice-

admiralty courts; and after the expiration of the said terms, the said sentence or interlocutory decree shall stand confirmed as to such person being *a party*: and all persons not being parties in the first instance, are to give in their claims within a year. 33 Geo. 3. c. 64.

In cases of appeal the courts of admiralty or vice-admiralty, on request of the captors or claimants, to order captures to be appraised, and, on security for the value, to be delivered; or may order the effects to be sold: and, upon security given by the claimants, the judge of the court of admiralty shall give the captured vessel a pass under his seal, to prevent her being again taken by his Majesty's subjects in her destined voyage. Courts of admiralty may order captures to be appraised and delivered, or the effects to be sold. Sect. 31.

If sentences be reversed after sale of captures, the nett proceeds to be deemed their value. Sect. 32.

Nothing in this act to restrain his Majesty from giving such further rules and directions from time to time to his respective courts of admiralty, for the adjudication and condemnation of prizes, as, with the advice of the Privy Council, shall be thought necessary and proper. Sect. 35.

No captured vessel belonging to his Majesty's subjects shall be ransomed, all contracts for such ransom to be void; and persons entering into any contract for such ransom, shall be liable to a penalty of 500l. Sect. 37, 38, 39.

For the further encouragement of the officers, seamen, marines, soldiers and others, on board his Majesty's ships of war, *as also of privateers*, to attack, take, and destroy any ships of war, or privateers, belonging to the enemy, there shall be paid by the Treasurer of the Navy, upon bills to be made out by the Sect. 40.

33 Geo. 3. c. 66. Commissioners of the Navy, to be paid according to the course thereof, without fee or reward, to all persons who shall have been actually on board at the taking, sinking, burning, or destroying any ships of war, or privateers belonging to the enemy, during the present hostilities with France, FIVE POUNDS for every man who was living on board any ship or vessel so taken, burnt, sunk, or otherwise destroyed, *at the beginning of the attack or engagement between them*; the number of such men to be proved by the oaths of *three* or more of the chief officers or men, who were belonging to the said ship or ships of war or privateers of the enemy, or belonging to any of them at the time of her or their being taken as prize, sunk, burnt, or otherwise destroyed, or, (in case so many as three shall not survive the engagement,) upon the oaths of such of them as shall survive, before the mayor or other chief magistrate of the port within any of his Majesty's dominions, whereunto any prize, or officers, or men of such ships as were taken, sunk, burnt, or otherwise destroyed, shall be brought, or before the British consul or vice-consul residing at any neutral port, to which such prize, or officers, or men shall be brought, which oaths the said mayor, &c. are hereby empowered and required to administer; and the mayor or other chief magistrate, consul or vice-consul, &c. of the port to which such prizes shall be first brought, shall thereupon grant such certificate as hereinbefore directed, which said certificate shall be good and effectual to all intents and purposes, as if the same were granted by the mayor, &c. of the port to which such prizes, officers, or men shall be first brought: Provided also that where such oath of the number

of men on board any ship so taken, burnt, &c. cannot be had by reason of the total destruction of the officers and crew, then the number of men on board such ship at the beginning of the engagement shall be ascertained by such evidence as, under the circumstances of the case, shall by the judge of the High Court of Admiralty, or by the judge of any other court duly authorized, be deemed sufficient proof thereof. 33 Geo. 3. c. 66.

All bills made out for the bounty hereby granted shall be made payable to such persons as shall be authorized and appointed agents for appraisements and sales of prizes, the said bounty to be distributed and divided by the said person so authorized and appointed amongst the captors, in such manner, form, and proportion as aforesaid; the several shares of such captors as shall run, or not be legally demanded within three years after public notification, shall be paid to Greenwich Hospital, subject to the same provisions and exceptions as in case of prize monies; and the bills to be made out for the Bounty hereby granted, shall be made payable to such persons as shall be nominated and appointed by the owners, officers, and seamen of such privateer who shall have taken, burnt, sunk, or otherwise destroyed the same, or the major part of them, to be divided in such manner and in such proportions as shall have been agreed upon between them. Sect. 41.

Ships, vessels, or boats taken as prize, or any goods therein, as shall appear and be proved, in any court of admiralty having cognizance thereof, to have belonged to any of his Majesty's subjects of Great Britain or Ireland, or any of the dominions and territories remaining and continuing under his Majesty's pro- Prizes belonging to his Majesty's subjects retaken from the enemy to be restored. Sect. 42.

33 Geo. 3. c. 66. taction and obedience, which were before taken or surprized by any of his Majesty's ships of war, such property, so taken, shall in all cases (save in such as are hereinafter excepted) be adjudged to be restored, and shall be, by decree of the said court of admiralty, accordingly restored to such former owners or proprietors, upon payment (in lieu of salvage), if retaken by any of his Majesty's ships, *one-eighth* part of the true value of the ships, &c. so to be restored; which said salvage of one-eighth shall be answered and paid to the flag-officers, captains, officers, seamen, marines, and soldiers in his Majesty's said ship or ships of war, to be divided in such manner as before in this act is directed touching the share of prizes belonging to such flag-officers, captains, officers, seamen, and soldiers, where prizes are taken by any of his Majesty's ships of war; and if retaken by any privateer, or other ship, vessel, or boat, *one-sixth* part of the true value of such ships, vessels, boats and goods; all which payments to be made to the owner or owners, officers and seamen of such privateer, &c. shall be without any deductions, and shall be divided between them in such manner and proportions as shall have been agreed upon between them; and in case such ship, vessel, or goods shall have been retaken by the joint operation of one or more of his Majesty's ships, and one or more private ship or ships, then the judge of the High Court of Admiralty, or other court having cognizance thereof, shall order and adjudge such salvage to be paid to the recaptors, by the owner of such retaken vessel or goods as he shall, under the circumstances of the case, deem fit and reasonable, which salvage, so to be adjudged, shall be accordingly

The salvage to be paid for restored prizes.

paid by the owners of such retaken ship, vessel, or goods to the agents of the recaptors, in such proportions as the court shall adjudge; but if such ship or vessel so retaken shall appear to have been, after the taking by his Majesty's enemies, by them set forth as a ship or vessel of war, the said ship or vessel shall not be restored to the former owners or proprietors, but shall in all cases, whether retaken by any of his Majesty's ships, or by any privateer, be adjudged lawful prize to the benefit of the captors. 33 Geo. 3. c. 66.

Prizes collusively restored by privateers, to be prize to his Majesty—Division of such prizes—Bonds of commanders to be forfeited.

If any such ship or vessel, or any goods and merchandizes as aforesaid, shall be taken or retaken, and restored, by any commander, captain, or other officer, having the command of any ship or vessel belonging to his Majesty, through consent, or clandestinely, or by collusion, or connivance of such commander, captain, or other officer, such commander, captain, or other officer shall forfeit the sum of *one thousand pounds*, one moiety to the king, and the other moiety to the informer.

*Penalty on commanders of ships of war collusively returning prizes, &c., Sect. 43.*

If a ship be retaken before she has been carried into an enemy's port, it shall be lawful for her, if the re-captors consent thereto, to prosecute her voyage; and it shall not be necessary for the re-captors to proceed to adjudication till six months, or till the return of the ship to the port from which she sailed; and it shall be lawful for the master, the owners, or their agents to unload and dispose of their cargoes before adjudication; and in case the vessel shall not return directly to the port from whence she sailed, or the re-captors shall have had no opportunity of

*Ships retaken before carried into the enemy's ports, may prosecute their voyage, &c. Sect. 44.*

33 Geo. 3. c. 66  
 proceeding regularly to adjudication within the six months, on account of the absence of the said vessel, the court of admiralty shall, at the instance of the re-captors, decree the restitution to the former owners, paying salvage, upon such evidence as the said court shall, under the circumstances of the case, appear reasonable, the expences of such proceeding not to exceed 14l.

Directions for  
 appointing prize  
 agents.  
 Sect. 50.

All appraisements and sales of any ship or ships, goods, wares, or merchandizes as shall be taken by any of his Majesty's ships of war, shall be made by agents appointed by the flag-officers or flag officer, captains, or officers, ship's company, and others entitled thereto; that is to say, that if the flag-officers or officer of any fleet or squadron of ships, as shall take any such prize or prizes; or if more than one, the majority shall appoint one or more persons agent or agents as aforesaid; then the captains and commanders or captain and commander entitled thereto, or the majority of them, if more than one, may appoint the like number to act for them; and all the other officers under the degree of a captain and commander, may appoint the like number to act for them; and all the crews of the several ships companies of the fleet or squadron, or ship's company, and others entitled thereto, may likewise appoint the like number to act for them in such appraisements and sales.

Agents to register their powers of attorney, under penalty of 500l.  
 Sect. 51.

All and every person who shall be appointed agent as aforesaid for any prizes, or for receiving the bounty hereinafter granted, and which prizes shall have been legally condemned in some court of admiralty having proper cognizance thereof, shall exhibit or cause to be exhibited, in the respective courts of admiralty where such prize shall have been condemned,

his or their respective letters of attorney appointing him or them agent or agents for the purposes aforesaid; and any person so appointed agent as aforesaid, who shall refuse or neglect so to do for the space of six calendar months next after sentence of condemnation of any prize, such person so appointed agent shall forfeit 500*l.* to any person who shall sue for the same. 33 Geo. 3. c. 66.

Registers of courts of admiralty to enter powers of attorney within fourteen days after delivery thereof, and on the 25th day of December and the 25th day of June, or within forty days thereafter, in every year, transmit to the Treasurer of Greenwich Hospital, or his lawful deputy for the time being, a true copy or transcript, under his hand, of all such entries aforesaid within the preceding half year, under penalty of 100*l.* for every such offence to any person who shall sue for the same. Registers of courts of admiralty to enter powers of attorney. Sect. 52.

#### DUTCH and SPANISH CAPTURES.

*Abstract of an Act to amend the preceding Act, and for making further Provision for those Purposes.*

Officers and men of his Majesty's fleet to have all ships and cargoes belonging to the United Provinces taken since the 15th September 1795, and those belonging to Spain since the 9th of November 1796, to be divided agreeably to the proclamations hereinafter inserted. Towhom Dutch and Spanish captures belong.

The second and third sections, relative to prizes defended by forts and conjunct expeditions, are re-enactments of the second and third sections of the 33d Geo. III. c. 66. before given in p. 397, 398, of this work.



Sect. 5.

Regulations of the preceding act of 33 Geo. 3. c. 66. respecting vessels, &c. belonging to France, to extend to this act, except where hereby altered.

Pre-emption of  
prize ships.  
Sect. 6.

The pre-emption or refusal of all ships or vessels of war already taken, or which shall be hereafter taken, during the present hostilities, with their tackle, furniture, and stores, shall be offered to the Commissioners of the Navy; and the pre-emption of the guns, arms, and ordnance stores, found on board such ships or vessels, shall be offered to the Master General of his Majesty's Ordnance; and in case the Commissioners of the Navy, and Master General respectively, shall think fit to purchase the same, or any of them, they shall be paid for by bills or debentures in the course of the navy or ordnance respectively, according to such valuation as the said Commissioners of the Navy and Master General of the Ordnance respectively shall adjudge to be fair and reasonable; but if, within six weeks after such respective tenders, in case such ship or vessel shall be brought into any port of this kingdom, and within a reasonable time after such respective tenders, if carried into any other port of his Majesty's dominions, the Commissioners of the Navy and Master General of the Ordnance respectively shall give a certificate of such tender and refusal, under their hands, to the captors, which certificate, as to the ship, shall be deemed a necessary document (over and above what is already required by law) to entitle such ship or vessel to be considered as British built, and shall be produced to the proper officer of his Majesty's customs, before the captors shall obtain a certificate of the registry

thereof, and which said certificate, as to the stores, shall be deemed a necessary document to entitle such captors to dispose thereof.

This act to continue in force during the present hostilities with France, the United Provinces, and Spain, respectively \*.

\* *Abstract of the Proclamation for the Distribution of Prize-money, dated the 17th April, 1793.*

The nett produce of all prizes shall be given to the takers (save and except the produce of such prizes as are or shall be taken by ships or vessels belonging to the Commissioners of Customs or Excise), but subject to the payment of all such or the like customs and duties as the same are now, or would have been liable to, if the same were or might have been imported as merchandize; and that the same may be so given in the proportion and manner hereinafter set forth; that is to say, That all prizes taken by ships and vessels having commissions of letters of marque and reprisals, (save and except such prizes as are or shall be taken by the ships or vessels belonging to the commissioners aforesaid) may be sold and disposed of by the merchants, owners, fitters, and others, to whom such letters of marque and reprisals are granted, for their own use and benefit, after final adjudication, and not before: And it is further ordered and directed, that the nett produce of all prizes which are or shall be taken by any ships or vessels of war, shall be for the entire benefit and encouragement of the flag officers, captains, commanders, and other commissioned officers, and of the seamen, marines, and soldiers, on board the said ships and vessels at the time of the capture; and that such prizes may be lawfully sold and disposed of by them and their agents, after the same shall have been finally adjudged lawful prize, and not otherwise. The distribution shall be made as follows; the whole of the nett produce being first divided into eight equal parts; the captain or captains of any ships or vessels of war, who shall be actually on board at the taking of any prize, shall have three-eighth parts; but in case any such prize shall be taken by any ships or vessels of war, under the command of a flag or flags, the flag officer or officers, being actually on board or directing and assisting in the capture, shall have one of the said three eighth parts; the said one-eighth part to be paid to such flag or flag officers in such proportions, and subject to such regulations, as are hereinafter mentioned:

The captains of marines and land forces, sea lieutenants, and master on board, shall have one eighth part, to be equally divided amongst them: but that every physician appointed, or hereafter to be appointed to a fleet or squadron, shall, in the distribution of prizes which shall hereafter be taken by the ships in which he shall serve, or in which such ship's company shall be entitled to share, be classed with the sea lieutenants with respect to the said one-eighth part, and be allowed to share equally with them: provided such physician be actually on board at the time of taking such prizes:

The lieutenants and quarter masters of marines, and lieutenants, ensigns, and quarter masters of land forces, secretaries of admirals or

33 Geo. 3. c. 34.

For the relief of captors of prizes with respect to the bringing and landing certain prize

of commodores with captains under them, boatswains, gunners, purser, carpenter, master's mates, chirurgion, pilot, and chaplain on board, shall have one eighth part, to be equally divided amongst them :

The midshipmen, captain's clerk, master sailmaker, carpenter's mates, boatswain's mates, gunner's mates, master at arms, corporals, yeomen of the sheets, cockswain, quarter masters, quarter master's mates, chirurgion's mates, yeomen of the powder room, sergeants of marines and land forces on board, shall have one-eighth part, to be equally divided amongst them :

The trumpeters, quarter gunners, carpenter's crew, stewards, cook, armourer, steward's mate, cook's mate, gunsmith, cooper, swabber, ordinary trumpeter, barber, able seamen, ordinary seamen, and marines, and other soldiers, and all other persons doing duty and assisting on board, shall have two-eighth parts, to be equally divided amongst them.

Provided, That if any officer being on board any ship of war at the time of taking any prize, shall have more commissions or offices than one, such officer shall be entitled only to the share or shares of the prizes which, according to the above mentioned distribution, shall belong to his superior commission or office. All commanders of ships and vessels of war taking any prize are strictly enjoined, as soon as may be, to transmit, or cause to be transmitted, to the Commissioners of the Navy, a true list of the names of all the officers, seamen, marines, soldiers, and others, who were actually on board our ships and vessels of war under their command at the time of the capture ; which list shall contain the quality of the service of each person on board, and be subscribed by the captain or commanding officer, and three or more of the chief officers on board. And the Commissioners of the Navy, or any three or more of them, are to examine, or cause to be examined, such lists by the muster books of such ships and vessels of war, and lists annexed thereto, to see that such lists do agree with the said muster books and annexed lists, as to the names, qualities, or ratings, of the officers, seamen, marines, soldiers, and others belonging to such ships and vessels of war, and upon request forthwith to grant a certificate of the truth of any list transmitted to them, to the agents nominated and appointed by the captors to take care and dispose of such prize ; and also upon application to them (the said commissioners) they shall give, or cause to be given, to the said agents, all such lists from the muster books of any such ships of war, and annexed lists, as the said agents shall find requisite for their direction in paying the produce of such prizes, and otherwise shall be aiding and assisting to the said agents in all such matters as shall be necessary.

*The following Regulations shall be observed concerning the One Eighth Part granted to the Flag, or Flag Officers, who shall actually be on board at the taking of any prize, or shall be directing or assisting therein :*

First, That a flag officer, commander in chief, when there is but one flag officer upon service, shall have to his own use the said one-eighth part of the prizes taken by ships and vessels under his command : Secondly, That a flag officer, sent to command at Jamaica, or elsewhere, shall have no right to any share of prizes taken by ships or

goods in this kingdom, an act was passed, of 33 Geo. 3. c. 34. which the following is the substance of the most material sections.

vessels employed there, before he arrives at the place to which he is sent, and actually takes upon him the command: Thirdly, That when an inferior flag officer is sent out to reinforce a superior flag officer at Jamaica, or elsewhere, the superior flag officer shall have no right to any share of prizes taken by the inferior flag officer before the inferior flag officer shall arrive within the limits of the command of the superior flag officer, and actually receive some order from him: Fourthly, That a chief flag officer returning home from Jamaica, or elsewhere, shall have no share of the prizes taken by the ships or vessels left behind to act under another command: Fifthly, That if a flag officer is sent to command in the out-ports of this kingdom, he shall have no share of the prizes taken by ships or vessels, which have sailed from that port by order from the Admiralty: Sixthly, That when more flag officers than one serve together, the eighth part of the prizes taken by any ships or vessels of the fleet or squadron shall be divided in the following proportions, viz. If there be but two flag officers, the chief shall have two third parts of the said one eighth part, and the other shall have the remaining third part; but if the number of flag officers be more than two, the chief shall have only one-half, and the other half shall be equally divided amongst the other flag officers: Seventhly, That commodores with captains under them shall be esteemed as flag officers with respect to the eighth part of prizes taken, whether commanding in chief or serving under command: Eighthly, That the first captain to the admiral and commander in chief of the fleet, and also the first captain to the flag officer appointed, or hereafter to be appointed, to command a fleet or squadron of twenty ships of the line of battle, shall be deemed and taken to be a flag officer, and shall be entitled to a part or share of prizes, as the junior flag officer of such fleet or squadron: And it is further ordered, that in the case of cutters, schooners, and other armed vessels commanded by lieutenants, the share of such lieutenants shall be three eighth parts of the prize, unless such lieutenants shall be under the command of a flag officer or officers; in which case the flag officer or officers shall have one of the said three eighths, to be divided among such flag officer or officers in the manner herein before directed in the case of captains serving under flag officers: Secondly, it is directed that the share of the master or other person acting as second in command, and the pilot (if there happen to be one on board), shall be one-eighth part, to be divided into three equal parts; of which two thirds shall go to the master or other person acting as second in command, and the remaining one-third to the pilot; but if there be no pilot, then such eighth part to go wholly to the master or person acting as second in command: That the share of the surgeon, or surgeon's mate (where there is no surgeon), midshipmen, and clerk and steward, shall be one-eighth; that the share of the boatswain's, gunner's, and carpenter's mates, yeomen of the sheets, sailmaker, quarter master, and quarter master's mate, shall be one-eighth; and the share of the seamen, marines, and other persons on board, assisting in the capture,

33 Geo. 3. c. 34.

Goods, wares, or merchandizes, taken during the continuation of the present hostilities, and brought into Great Britain by any of his Majesty's ships of war, or any privateer, may, upon condemnation thereof as lawful prize, be landed within any port of this kingdom, and secured under the king's locks, in warehouses provided at the sole expence of the captors, with the privity and approbation, and under the care and inspection respectively of the Commissioner of Customs and Excise; and upon admission of any such goods into such warehouses, there shall be paid by the captors or their agents the following duties; that is to say,

For every tun of wine or vinegar, containing 252 gallons, the sum of 3*l.* if taken by a ship of war, or by a private vessel: For every tun of brandy, containing 252 gallons, 2*l.* 5*s.* if taken by a ship of war, and 1*5s.* if taken by a privateer: For every hundred weight of Corunna or Muscovado sugar, 6*s.* if taken by a ship of war, and 2*s.* if taken by a private vessel: For every hundred weight of coffee, 10*s.* 6*d.* if taken by a ship of war, and 3*s.* 6*d.* if taken by a private vessel: For every hundred weight of cocoa, 3*s.* 9*d.* if taken by a ship of war, and 1*s.* 3*d.* if taken by a private vessel; and upon all other goods, wares, and mer-

shall be two-eighth parts. The above distribution shall only extend to such captures as shall be made by any cutter, schooner, or armed vessel, without any of his Majesty's ships or vessels of war being present or within sight of, and adding to the encouragement of the captors, and terror of the enemy: but in case any of his Majesty's ships or vessels of war shall be present, or in sight, that then the officers, pilots, petty officers, and men on board such cutters and schooners, or armed vessels, shall share in the same proportion as is allowed to persons of the like rank and denomination on board his Majesty's ships and vessels of war.

chandizes, not particularly, excepted, or otherwise charged with duty by this act, for every hundred pounds of the value, 7l. 10s. if taken by a ship of war, and 2l. 10s. if taken by a private vessel. 31 Geo. 3. c. 34.

No duties whatever shall be taken for any prize goods consisting of military or ships' stores, viz. sails, cordage, anchors and cables, masts, yards, bowsprits, blocks, guns, gunpowder, shot, match, gun carriages, cartridges, and other materials thereunto belonging, and all timber and iron converted into and made fit for ship building, or for any of the uses or purposes aforesaid, salted beef, pork, and butter, biscuit, small beer, pease, and oatmeal, sailors' clothes, hammocks, bedding, and apparatus and instruments belonging to surgeons, or for any goods which by any law in force on and immediately before the 1st day of May 1793 may be imported into this kingdom duty free. Prize goods, &c. may be imported duty free. Sect. 2.

All wheat, wheat meal, or flour, rye, barley, beer or bigg, oats, oatmeal, pease, beans, Indian corn and maize, taken and condemned as prize, shall, on being brought into any port of this kingdom, be warehoused, and subject to such rules, regulations, restrictions, duties, penalties, and forfeitures, as are provided in the act of 31 Geo. 3. c. 30. Prize wheat, &c. Sect. 3.

All goods of the growth, production, or manufacture of China or the East Indies, taken or condemned as prize, shall be publicly exposed to sale in the city of London, by the captors or their agents, notice of such sale being first given to the proper officer of the excise or customs respectively concerned therein; and such goods shall be sold on such condi- East India or Chinese prize goods.

33 Geo. 3. c. 34. tions, and under such rules, regulations, and restrictions, as are used and practised at the sales of the East India Company, and the goods shall be subject to such duties, and entitled to such drawbacks, as like goods are subject and entitled to when imported by the East India Company, and the full duties due and payable on such goods shall be paid in all cases by the captors and their agents.

All the remaining sections of this act relate, like the preceding sections, to the duties and regulations for payment of these duties, upon different species of prize goods imported or exported.

34 Geo. 3. c. 70. By an act to exempt ships of war, and private ships or vessels of war, taken as prize, from payment of duty,

No ship of war, nor any private ship or vessel of war, which shall be taken from the enemy and legally condemned as prize, nor the sails or any of the tackle, apparel, or furniture, belonging to such ship or vessel, shall be chargeable with, or liable to pay any duty whatever.

If such duty should have been paid since the commencement of hostilities in the present war, the Commissioners of the customs in England or Scotland may order such duties to be repaid in such manner as they shall judge proper.

*Additional Instructions to the Commanders of His Majesty's Ships of War, and Privateers that may have Letters of Marque against France, 8th June, 1793.*

I. It shall be lawful to stop and detain all ships laden wholly or in part with corn, flour,

or meal, bound to any port in France, or any port occupied by the armies of France, and to send them to such ports as shall be most convenient, in order that such corn, meal, or flour, may be purchased on behalf of his Majesty's government, and the ships be released after such purchase, and after a due allowance for freight; or that the masters of such ships, on giving security, to be approved of by the court of admiralty, be permitted to proceed to dispose of their cargoes of corn, meal, or flour, in the ports of any country at amity with his Majesty.

II. It shall be lawful for the commanders of his Majesty's ships of war, and privateers that have or may have letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall not be prevented from entering on the first attempt, but on the second shall be sent in for condemnation.

In case his Majesty shall declare any port to be blockaded, the commanders of his Majesty's ships of war, or privateers that have or may have letters of marque against France, are hereby enjoined, if they meet with ships at sea which appear from their papers to be bound to such blockaded ports, but to have sailed from the ports of their respective countries before the declarations of the blockade shall have arrived there, to advertise them thereof, and to admonish them to go to other ports; but they are not to molest them afterwards, unless it shall appear that they have



continued their course with intent to enter the blockaded port, in which case they shall be subject to capture and condemnation; as shall likewise all ships, wheresoever found, that shall appear to have sailed from their ports, bound to any port which his Majesty shall declare to be blockaded, after such declaration shall have been known in the country from whence they sailed; and all ships which in the course of their voyage shall have received notice of the blockade, in any manner, and yet shall have pursued their course with intent to enter the same.

G. R.

*Additional Instructions to the Commanders of His Majesty's Ships of War and Privateers, 24th June, 1797.*

Whereas we have thought it expedient that the subjects of the king of Spain should be permitted, notwithstanding the present hostilities, to import, *in vessels not having more than one deck*, into the port of St. Josef, in the island of Trinidad, any wool, cotton wool, indigo, cochineal, drugs of all sorts, cocoa, tobacco, logwood, fustick, and all sorts of wood for dyers' use, hides, skins and tallow, beaver and all sorts of furs, tortoise shells, hardwood or mill-timber, mahogany and all other goods for cabinet ware, horses, asses, mules, and cattle, being the growth and production of any of the colonies or plantations in America belonging to the crown of Spain, and all coin or bullion, diamonds, or precious stones, coming from thence; and likewise that they should be permitted to export from the said port of St. Josef the said goods and commodities, and also rum, the produce of any British island, and negroes which shall have been legally import-

ed, and also all goods, wares, and merchandizes, which shall have been legally imported, except masts, yards, or bowsprits, pitch, tar, turpentine, and tobacco, and also such iron which shall have been brought from the British colonies in America : provided that such vessels shall conform, as well as in importing goods into the said port of St. Josef as in exporting them from thence, to the several regulations contained in the acts which permit foreign vessels to import the said goods into the free ports of Kingston, Savannah-la-Mar, Montego Bay, St. Lucia and Antonio in the Island of Jamaica, the port of St. George in the Island of Grenada, the port of Roseau in the Island of Dominica, the port of Nassau in the Island of New Providence, and the port of St. John's in the Island of Antigua, and likewise to export the same respectively. The commanders of our ships of war, and ships commissioned with letters of marque, are hereby required and enjoined not to detain or molest any ships or vessels belonging to the subjects of the crown of Spain, and coming from any port situated in the territories thereunto belonging in America, and bound to the said port of St. Josef, or returning from thence ; and that they treat all such ships as neutral ships engaged in a lawful neutral commerce, provided they have not more than one deck, and are *bona fide* employed in carrying on their trade conformably to the regulations of the said acts, and have a license for that purpose from the governor or commander in chief for the time being of the said island : and, in case such ships so licensed should be captured and brought into any port through misapprehension, or breach of our order, our courts of

admiralty and vice-admiralty are hereby required to liberate the same, as being under the protection of our special permission.

PORTLAND.

*Additional Instructions to the Commanders of His Majesty's Ships of War and Privateers, dated 20th November, 1797.*

Whereas we have thought it expedient that permission should be given to the subjects belonging to his Catholic majesty having not more than one deck, to trade between the free ports established in the Island of Jamaica, and also in the Bahama Islands, and the Spanish colonies in America, according to the regulations of the several acts for establishing free ports in our West-India Islands, notwithstanding the present hostilities: And whereas we have thought it expedient, that, notwithstanding the said hostilities, permission should likewise be given to any British vessels, navigated according to the laws now in force, to trade between the said free ports in the island of Jamaica, and in the said Bahama Islands, and the Spanish colonies in America; provided such British and Spanish vessels that shall so trade between Jamaica and the Spanish colonies shall have a license from the governor or commander in chief of the Bahama Islands; and provided such British and Spanish vessels shall import into the free ports of Jamaica, and the Bahama Islands, such goods only as are hereafter enumerated, viz. wool, cotton wool, indigo, cochineal, drugs of all sorts, cocoa, tobacco, logwood, suttick, and all sorts of dyers' wood for dyers' use, hides, skins, and tallow, beaver, and all sorts of furs, tortoise shells, hardwood or mill-timber, mahogany,

and all other woods for cabinet ware, horses, asses, mules, and cattle, being the growth and production of any of the colonies or plantations in America, belonging to the crown of Spain, and all coin or bullion, diamonds, or precious stones, coming from thence; and provided such British and Spanish vessels shall export from such free ports only the said goods and commodities; and also rum, the produce of any British island, and negroes which shall have been legally imported; and also all goods, wares, merchandizes, and manufactures, which shall have been legally imported, except masts, yards, or bowsprits, pitch, tar, turpentine, and all other naval and military stores, and tobacco. The commanders of ships of war, and of ships commissioned with letters of marque, are hereby required and enjoined not to detain or molest any such Spanish vessels, or any British vessels trading between the free ports in the said islands and the Spanish colonies in America, provided they are *bona fide* employed in carrying on their trade conformably to the respective regulations herein above described, and have a license for that purpose from the governor or commander in chief of the said islands respectively; and in case such ships so licensed should be captured and brought into port, through misapprehension, or breach of our order, our courts of admiralty and vice admiralty are hereby required to liberate the same, as being under the protection of our special commission.

PORTLAND.

## Poor Mariners and Soldiers.

**ABOUT** the same period, when the maintenance of the industrious poor occupied the attention of the Legislature, the sick and maimed mariners and soldiers, pressed and in pay, excited also their interest; and by the following statutes, rates were made upon the several counties for their relief. These acts indeed still remain upon the statute books, and shew the early attention of the Legislature to these meritorious classes of men; but since the magnificent and commodious establishments of the two royal hospitals of Greenwich and Chelsea, to say nothing of the Chest at Chatham, these acts are now rendered little more than a dead letter.

34 Geo. 3. c. 70.  
Rates of parishes to poor soldiers and mariners.

43 Eliz.c. 3. f. 3.

The parishes are to be charged with a weekly sum for the relief of sick and maimed soldiers and mariners, having been pressed and in pay, to be appointed by the justices at their Easter sessions, so as no parish shall be rated above the sum of 10d. nor under the sum of 2d. to be paid weekly, and so as the total sum of such taxation in any county where there are above fifty parishes does not exceed the rate of 6d. for every parish.

How disabled soldiers, mariners, &c. are to obtain relief.  
Sec't. 8.

Disabled soldiers or mariners to repair to the treasurers of the county out of which they were pressed, or, if no pressed man, to the treasurer of the county where he was born, or last inhabited for the space of three years; and not being able to travel, he is to apply to the treasurer of the county where he shall land or arrive, and shall produce a certificate under the hand and seal of the general of the camp, or

governor of the town where he served, and of <sup>43 Eliz. c. 3.</sup> the captain of the band under whom he served, or from any admiral of the fleet, or from the captain of the ship where such soldier or mariner served, containing the particulars of his hurt and services, which certificate shall be also allowed by the general muster master resident there, or the receiver-general of the muster rolls, the treasurer and comptroller of the navy; upon such certificate the treasurers aforesaid shall at their discretion, according to the nature of his hurt and commendation of his service, assign present relief, till the next quarter sessions, at which it shall be lawful for the justices of peace, under their hands, to make an instrument of grant of the same, to endure as long as this act shall stand in force, which shall be a sufficient warrant to all treasurers of the same county to make payment of such pension quarterly, so that such relief to any soldier or mariner having not borne office does not exceed 10*l.* yearly, nor to any having borne office under the degree of lieutenant 15*l.* and to lieutenants 20*l.* annually.

The justices may revoke or alter the pensions at their quarter sessions. <sup>Sec. 9.</sup>

The treasurers of the county where such soldiers and mariners arrive shall give them, at their discretion, upon their certificates (though not allowed), any convenient relief for their journey to carry them to the next county, with a testimonial of their allowance, to pass on to such place, and the treasurer of the next county to do the like, and so from county to county (in the direct way), till they come to the place where they are directly to find a maintenance.

Treasurer of the county where such soldiers and mariners arrive to give them convenient relief; and pass them on from county to county until they arrive at the place of maintenance. <sup>Sec. 10.</sup>

Treasurers of  
counties to keep  
book, and en-  
ter the sums le-  
vied, and names  
of persons to  
whom granted.  
43 Eliz. c. 3.  
§. 11.

Every treasurer in the several counties shall keep a book of computation of all such sums as they levied, and also a register of the names of every person unto whom they have disbursed any relief, and shall also preserve and enter every certificate; and also the muster master, or receiver-general of the muster rolls, shall keep a book, and enter the names of such whose certificates shall be by him allowed; and every treasurer, returning or not accepting the certificate brought to him from the said muster master, shall write the cause of non-acceptance under the certificate, or on the back thereof.

Treasurers re-  
fusing to be  
fined by the jus-  
tices.

Sect. 12.

Soldiers or ma-  
riners begging  
to be deemed  
common rogues  
Sect. 13.

Sect. 15.

Treasurers refusing to grant relief to be fined by the justices at their discretion, in their quarteressions, to be levied by distress.

Soldiers or mariners, begging, or counterfeiting certificates, deemed common rogues and vagabonds, and shall suffer the like pains, imprisonment, &c.

Mayors, and head officers of corporate towns, to execute this act.

Forfeitures, how  
to be applied.  
Sect. 16.

Forfeitures by this act to be applied to the relief of soldiers and mariners; the relief to be given out of the county where pressed, or, not pressed men, in the county where born, or last inhabited three years.

If rate not suf-  
ficient within  
the city of Lon-  
don, mayor, re-  
corder, and al-  
dermen, to levy  
a reasonable tax.  
Sect. 19.

Should the said rate be thought not sufficient for the relief of such soldiers and mariners within the city of London, the mayor, recorder, and aldermen, to levy a reasonable tax, as shall by them be thought convenient, so as the sum does not exceed 3s. weekly out of any parish, and so as in total it does not exceed or be under 12d. weekly out of every parish, one with another, within the said city and liberties.

No soldier, seaman, shipwright, or other artificer or workman employed in the king's service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing, unless the same be after his dismissal out of the service.

No seamen, &c. to have any parish settlement, unless by producing notice in writing, except, &c.  
3 W. & M. c. 11.  
s. 4.



## Quarantine.

THE various acts of parliament and orders of council, relative to ships coming from infected countries, and more particularly the precautionary regulations which have been so recently made, are such as not only to guard against the possibility of infection, but even to remove the apprehension that such infection could possibly be communicated. These latter regulations were ordered in consequence of the alarm which pervaded the metropolis on account of the sudden death of the two men employed in the Steel Yard to remove some prize cotton; an alarm which not without difficulty was removed.

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26 Geo. 2 c. 6.  
s. 1 explained  
and enforced by  
29 Geo. 2. c. 8.

All vessels, persons, and goods, coming from places subject to the plague, to perform quarantine, according to order of council, published in the Gazette.

How ships infected with the plague to the northward of Cape Finisterre are to act.  
Sect. 2.

Ships infected with the plague to the northward of Cape Finisterre are to proceed to New Grimsby, or St. Helen's Pool \*, in the Islands of Scilly, and there give notice to some officer of the customs, who is to acquaint the officer of the customs of some port in England therewith, and such officer is directed to send intelligence to one of the secretaries of state, that proper measures may be taken in regard to the ships or vessels so infected. The ship or ships are to remain in the said islands of Scilly, until his Majesty's pleasure be known. But in case the master of a ship so infected cannot make Scilly, or be forced by stress of weather to run into either of the Channels, he is upon

\* 29 Geo. 2. c. 8.

no account to enter into any port, but remain in some open road till he receives orders from the privy council, and must take care to prevent any persons from going out of the ship, and avoid all intercourse with other ships or persons. The master, or any person on board, who is disobedient herein, shall be adjudged guilty of felony, and suffer death without benefit of clergy; to be tried in the county where such offence is committed, or else in the county where the offender shall be apprehended. 26 Geo. 2. c. 6.

The principal officer of the customs, or person authorized to see quarantine performed, is to examine into the state of ships coming into port when any country has the plague, or when the king's order concerning quarantine is made; and if it shall appear that any person then on board such ship is actually infected with the plague, it may be lawful for officers of king's ships, forts, or garrisons, and other officers whom it may concern, upon notice given to them, to oblige such ship to go to the place that is appointed for performing quarantine, and to use all necessary means for that purpose, whether by firing guns upon her or other kinds of force. The master of such ship coming from any place visited by the plague, or having any person on board actually infected, and concealing the same, shall be adjudged guilty of felony, and suffer death without benefit of clergy; and such master, not making a true discovery in other particulars, shall forfeit 200l. for every offence, one moiety of which to the king, and the other to the person that shall sue for the same.

Officer of the customs to examine into the state of ships coming from countries infected with the plague.  
Sect. 3.

Masters of ships  
under quaran-  
tine to deliver to  
the proper offi-  
cer the bill of  
health and ma-  
nifest.  
26 Geo. 2. c. 6.  
s. 4.

Masters of ships ordered to perform quarantine, shall, after their arrival at the place appointed, deliver, on demand, to the chief officer appointed to see quarantine duly performed, the bill of health and manifest which they may have received from any British consul during the voyage, together with the log book and journal, under penalty of 500l. one moiety of which to the king, and the other to the person that shall sue for the same.

Penalty on per-  
sons quitting the  
ship without li-  
cense.  
Sect. 5.

Masters quitting the ship, or knowingly permitting any person to quit her, without license, or not going with the ship and lading to the place of quarantine, shall forfeit 500l. Any person quitting the ship shall be compelled to return, and shall suffer six months imprisonment, and shall forfeit 200l.

Sect. 6.

The king may, with consent of parliament, erect lazarets, on waste grounds, or on private grounds, making satisfaction to the owners.

Sect. 7.

The proper officers are to compel persons and goods, obliged to perform quarantine, to repair to such lazarets as shall be provided.

Persons escaping  
from lazarets, or  
refusing to re-  
pair thither, to  
be judged guilty  
of felony.  
Sect. 8.

All persons obliged to perform quarantine, refusing or neglecting to repair to the lazaret, or other place appointed, within convenient time after due notice, or escaping from a lazaret before quarantine is fully performed, may be compelled to repair or return to such lazaret by the watchmen or other persons appointed to see quarantine performed; and such persons refusing to go, or escaping from a lazaret, shall be adjudged guilty of felony, and suffer death without benefit of clergy.

All persons liable to quarantine, whether in ships, lazarets, or elsewhere, shall be subject, during the time, to the orders of the officers authorized to see it duly performed, who are empowered to enforce all necessary obedience, and may, in case of necessity, call in others to their assistance.

Officers appointed to see quarantine performed to enforce all necessary obedience.  
26 Geo. 2. c. 6. f. 7.

Sound persons, entering a lazaret where the infection is, shall stay there and perform quarantine, and escaping shall suffer death.

Sec. 10.

Any officer, neglecting his duty in regard to quarantine, shall forfeit his office, and 100l.; and embezzling goods, he shall pay treble damages, and full costs of suit.

Sec. 11.

Goods specified in any orders concerning quarantine are subject thereto, whatever country they may come from.

Sec. 12.

Upon proof that a ship has performed quarantine, and is free from infection, she is to be discharged.

Sec. 13.

Officers or other persons demanding any fee or reward for oaths and certificates administered or made in pursuance of this act, shall forfeit 100l. one moiety of which to the king, and the other to the person that shall sue for the same.

Sec. 16.

All goods and merchandize subject to quarantine to be opened and aired in such places as shall be appointed; and upon certificate being given by the chief officer appointed to superintend such airing, and proof made thereof by two or more credible witnesses on oath, and transmitted to the Commissioners of the Customs of Great Britain or Ireland, or to the Governor of the Isles of Guernsey, Jersey, &c.

Merchandize subject to quarantine to be aired in such places as shall be appointed, &c.

Sec. 15.

26 Geo. 2. c. 6, such goods and merchandize shall be discharged from any restraint or detention, by order from the said commissioners or governor, &c. ; for which oath, certificate, and order, no fee or reward shall be demanded or taken.

Sect. 17. Superintendant of quarantine, or watchman, neglecting his duty, or officer giving a false certificate, shall suffer death.

Sect. 18. Persons concealing, or clandestinely conveying letters or goods subject to quarantine, shall suffer death.

Masters of boats  
and small vessels  
to give security  
not to touch at  
places infected  
with the plague.  
S. G. 19.

When any part of Great Britain, Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, Portugul, or Low Countries, are infected with the plague, his Majesty, by proclamation to prohibit small boats and vessels under the burthen of twenty tons from sailing or passing out of any ports of Great Britain or Ireland, or the said islands, until security be given by the master, by bond with sufficient sureties in the penalty of *three hundred pounds*, that such boat or vessel shall not touch at any port mentioned for that purpose in the said proclamation ; and if such master, and other persons belonging to her, shall not go on board any other ship at sea, nor permit other persons to come on board, and shall not during the time aforesaid receive any goods from other ships, then such bond shall be void, and for which bond no fee or reward shall be taken. Any boats or vessels sailing without giving the security required by proclamation shall be forfeited to the king, and the master and mariners, being lawfully convicted upon oath of one or more credible witnesses before a justice of peace, shall forfeit 20l.

one moiety to the informer, and the other to the poor of the parish where such offender shall be found, to be levied by distress, and in default thereof to be committed to prison for the space of three months. 26 Geo. 2. c. 6.

Orders concerning quarantine to be read in churches the next Sunday after the receipt of the same, and the first Sunday in every month afterwards during the time such orders shall continue in force. Orders concerning quarantine to be read in churches, &c. Stat. 20.

The proper officers of the customs appointed to see quarantine duly performed shall demand of the master of every ship or vessel a true account of the following particulars, viz. whether the ship he commands touched at the Isle of Rhodes, the Morea, or any part of the coast of Africa within the Mediterranean or Levant seas, or the port of Mogadore; or whether any person on board had any communication with ships from any of the above-mentioned places? what pilots or other persons from the shores of Great Britain, Scilly, Guernsey, &c. have been on board, or had communication with the ship's company during the voyage homewards? and whether any person had been sick during the voyage, and of what disorder, or if any person is sick at that time? And should the master give a false answer to any particulars required, he shall forfeit 200l. Questions to be demanded by officers appointed to see quarantine duly performed. 28 Geo. 3. c. 34.

All orders in council, or any regulations therein contained, respecting quarantine, and now in force, the publication thereof in the Gazette must be deemed sufficient notice to all persons concerned. Ibid.

The master of every ship liable to perform quarantine, in case of falling in with any ship Ships under quarantine to display certain signals.

F F

28 Geo. 3. c. 34. at sea, or within four leagues of the coasts of Great Britain, Ireland, Guernsey, &c. shall hoist a large yellow flag at the main topmast head in the day time, and shew a light at the same mast head in the night time, under forfeiture of 200l.

Offences against this act to be tried in any county in Great Britain.

Offences committed against this act, or any order or proclamation respecting quarantine, may be tried in any county in Great Britain, or in the proper courts of Guernsey, Jersey, &c.

What signals to be made.

38 Geo. 3. c. 33. s. 1.

Every commander of any ship or vessel liable to the performance of quarantine shall, from the first of January 1799, at all times when such ship or vessel shall meet with any other ship or vessel at sea, or shall be within four leagues of the coast of Great Britain or Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man, hoist a signal, to denote that his vessel is liable to the performance, which signal shall be in the day-time a large yellow flag, of six breadths of bunting, at the main topmast head, and in the night-time a large signal-lantern, such as is commonly used on board his Majesty's ships of war, with a light, at the same mast head; and such commander shall keep the signal hoisted during such time as the ship or vessel shall continue within sight of such other ship or vessel, or within four leagues of the said coasts or islands, and until she shall be legally discharged from the performance of quarantine; on failure whereof, such commander shall forfeit for every offence 200l.

Pilots  
Sec. 2.

If any pilot shall conduct any ship or vessel liable to the performance of quarantine into any

place which shall not be appointed for the reception of ships and vessels so liable to the performance of quarantine, unless compelled by stress of weather, such pilot shall forfeit 100l. 38 Geo. 3 c. 33.

Quarantine acts to extend to all diseases declared infectious by publication in the Gazette, whether such diseases be denominated *the Plague* or not.



## Seamen's Wages.

THE several acts of parliament passed on different occasions for the increase and encouragement of seamen in his Majesty's Navy, have greatly tended to augment the marine force of this realm : upon which the security of these kingdoms, and the support and preservation of their trade and commerce do immediately depend. The increasing strength of our Navy having at different times made many additional alterations necessary, to the simple system originally established in its infancy for the payment of seamen's wages ; and the several acts passed in the reigns of King William, Queen Anne, and George the First, having been found by experience in a great measure ineffectual to answer the benevolent purposes of protection and encouragement for which they were intended, it therefore, in the year 1758, excited the attention of Mr. Grenville, then Treasurer of the Navy, to prepare a bill for the consideration of parliament, which had for its object the repealing of former acts respecting the payment of seamen's wages in the Navy \*, and consolidating more efficaciously the benefit and protection for which they were intended : as well as establishing some new regulations which time and circumstances appeared necessary to suggest. This bill accordingly passed into a law \*, and is entitled, " An Act for the Encouragement of Seamen employed in the Royal Navy, and for establishing a regular Method, for the punctual, frequent, and certain Payment of their Wages, and for enabling them more easily and readily to remit the same for the Support of their Wives and Families, and for preventing Frauds and Abuses attending such Payments." By this act seamen, either at home or on foreign service, were provided with the means

\* 31 Geo. II c. 10.

of remitting by bill a part of their wages for the support of their wives and families. Tickets were made out and transmitted to the Navy Office, which enabled their relations to receive immediately the wages of such as died abroad. Such modes were prescribed for witnessing the powers made by seamen, as were expected to put a stop to fraud and forgery; and the great object of all the regulations which it established and embraced, appears to have been to remove the difficulties, delays, and disappointments, which seamen and their representatives encountered prior to that period in recovering the wages to which they were justly entitled. This act accordingly became the foundation of the system upon which seamen's wages have since been paid. But after the experience of many years, more especially towards the conclusion of the late war, it was found, that the mode established for making and witnessing powers of attorney, and the want of proper regulations respecting seamen's wills, were insufficient to guard against imposition and forgery; which for some years after the conclusion of the war had become so much the practice among seamen, that sums to a large amount were annually paid to fictitious authorities; by which the public suffered in the first instance, and in the second individuals, who incurred heavy expences in proving the existence of forgeries in order to substantiate their own claims. Seamen were oppressed and disgusted by the disappointments they experienced, on finding their wages paid to those who had no authority from them; and the facility with which impositions were practised, was the occasion of many persons suffering public punishments, by tempting them to commit frauds which appeared easy in the execution. To remove these evils a bill was in the year 1786 introduced into parliament by Mr. Dundas, establishing specific modes for executing wills and powers of attorney in every situation in which a seaman could be placed, and appointing an officer expressly for the purpose of examining and enquiring into the authenticity of these instruments: this was entitled \*,—"An Act for the further preventing

\* 26 Geo. III. 6.

Frauds and Abuses attending the Payment of Wages, Prize Money, and other Allowances due for the Service of Petty Officers and Seamen on board any of his Majesty's Ships." The regulations contained in this act relative to making wills and powers were easy in the execution, and by the experience of upwards of twelve years have been found nearly complete in their effect, having effectually stopped that system of fraud and imposition which had wasted the public money, distressed individuals, and created much discontent and dissatisfaction among the inferior classes of the Navy. Mr. Dundas upon longer acquaintance with the different modes of payment practised in his office, found that the manner of witnessing seamen's wills and powers was not the only point in which the act of 31 Geo. II. c. 10. would admit of being amended; but by the effect of proper regulations a wide field was left for improvement, and much was still possible to be added to the comfort and convenience of seamen and their families, without increasing the expences of the public.

With these laudable impressions Mr. Dundas, in the session of 1792 \* brought forward three separate bills, which, from the liberal and benevolent objects of improvement they embraced, met with no difficulty in passing. The first was entitled †, "An Act for explaining and amending an Act passed in the 26th Year of the Reign of his present Majesty, and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commissioned Officers of Marines, and Marines serving, or who may have served on board any of his Majesty's Ships;" the principal objects of which are,—1st. Extending to marines serving in the Navy the liberty of remitting a part of their wages to their families; to allow them the privilege of being paid by tickets, and other advantages afforded by the act of 31 Geo. II. to Seamen only: 2d. Enabling seamen who may be removed abroad from one ship to another, and perhaps afterwards to a third or fourth, to receive upon their arrival at any port in England, where wages are paid, all the pay to

\* 32 Geo. III.

† Stat. 32 Geo. III.

which they are entitled for their past services ; to empower such as are disabled in the service to receive their pay from the revenue officer nearest to the place where they arrive, or where they reside, without obliging them to travel, as has hitherto been the case, from a remote part of the kingdom to London, to Portsmouth, to Plymouth, or to Chatham ; and without making them wait till the arrival of the different ships in which they had successively served, which might be often kept on foreign service for many years ; enabling them likewise to receive their pay, without waiting for the return of their ships, if left on shore at hospitals : 3d. To stop the practice too common with officers of the navy, of anticipating their pay, by assigning to agents and others, not only such part as was due at the time of the transaction, but also such as they expected to receive for their future services ; thereby extending to officers a principle which had been applied by the act 31 Geo. II. to seamen only : 4th. To stop the practice of taking seamen out of the service by fraudulent arrests, still continued, notwithstanding the regulations of former acts : by those acts seamen were exempted from arrests for any sum under 20l. ; they were trusted therefore till their debts exceeded that amount, and then imprisoned ; by purposely granting fictitious notes also, and procuring themselves to be arrested thereon, seamen often avoided going on particular duties, to the detriment of the public service.

The second, entitled \*, “ An Act for explaining and amending an Act passed in the 26th Year of the Reign of his present Majesty, and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commissioned Officers of Marines, and Marines serving, or who may have served, on board any of his Majesty's Ships.” The objects of this act relate principally to the wives, the families, and relations of seamen, enabling them in the most remote situations to receive their allowances from the public, without the assistance or interference of agents or attorneys ; and by making the money pass immediately from the

\* Stat 32 Geo. III 6.

public purse into the hands of the party entitled thereto, to put a stop to the heavy deductions and abatements which are almost always made when a third person is employed : this is done by means of remittances, and is also an extension of a principle introduced by former acts. Under the regulations of this act, the widow, the child, the father, or other relation, the person entitled by will, or even the fair creditor of deceased seamen, who have served in the navy, has only to make application by letter to the Treasurer of the Navy, stating his connexion or relation to the deceased, and the nature of his expectations from his estate ; and desiring that all the wages and allowances due may be remitted to him, at whatever place he finds most convenient. No acquaintance with the proceedings or forms of office is necessary. In consequence of the first application the necessary papers and vouchers are sent to be executed ; and as soon after as the steps for examination can be taken, and the justice of the claim is admitted, a bill is sent for the clear balance due, payable by the revenue officer most convenient to the party, without fee, deduction, or abatement. This act establishes several regulations long found necessary and secretly practised in the payment of the navy, in order to prevent desertions ; but which, having no other authority than the practice of office, were incapable of being enforced ; and likewise some salutary regulations relative to the more certain and speedy payment of prize money, and other regulations.

The third act \* extends the benefits of all the former acts to seamen and their families who reside in Ireland, gives them the same powers of remitting wages and pensions to themselves and families, and puts them in every respect upon the same footing with seamen and their families who reside in Great Britain.

The last act passed on this occasion, (which, while it is most beneficial to the interest of that invaluable class of men for whose benefit it was proposed, combines the wisest policy with that humanity, liberality, and gratitude, for

\* 37 Geo. III. c. 53.

which Great Britain has ever been distinguished towards her brave defenders,) is entitled, "An Act for carrying into Execution his Majesty's Order in Council of the 3d of May 1797, for an Increase of Pay and Provisions to the Seamen and Marines serving in his Majesty's Navy ; and to amend so much of an Act made in the 35th Year of the reign of his present Majesty, as enables Petty Officers and Seamen, Non-commissioned Officers of Marines, and Marines, to allot Part of their Pay for the Maintenance of their Wives, Children, or Mothers."

This act is formed upon his Majesty's order in council for an *increase to the allowance* of wages and provisions for the petty officers, seamen, landsmen, and marines ; and for a continuation of the pay of all petty officers, seamen, landsmen, and marines, who may hereafter be wounded in action with the enemy, until their wounds shall be healed, or some other provision shall be made for them. By the first clause of this act the following additions are made to the wages—viz, 5s. 6d. per month in addition to the wages of the petty officers and able seamen ; an addition of 4s. 6d. per month to the wages of landsmen ; and to the marines when embarked and serving on board his Majesty's ships, the allowances usually called consolidated allowances, made to marines when serving on shore—viz. to serjeants, corporals, and drummers, at the rate of two-pence, and to privates at the rate of two-pence farthing per day ; and with respect to provisions, *the full allowance* is to be issued to the crews of his Majesty's ships, without any deduction whatsoever on account of leakage or waste.

Thus has the wisdom of the British Legislature increased the comforts of seamen as far as relates to wages and provisions ; but that wisdom stopped not here, since by an humane regulation we find it enacted in the 2d clause of this act, "That all petty officers, able seamen, landsmen, and marines, who may hereafter be wounded in action with the enemy, shall receive the full amount of their wages and

allowances until their wounds shall be healed ; or until, being declared incurable, they shall receive a pension from the Chest at Chatham, or be admitted into the Royal Hospital at Greenwich."

The 3d section empowers the Commissioners of his Majesty's Navy to direct the Treasurer of the Navy, or any receiver general of land tax, collector of customs, or collector of excise, or clerk of the cheque, to whom an allotment shall have been made pursuant to the act of 35 Geo. III. c. 28. to increase the allowance to the wives or mothers of petty officers or seamen, non-commissioned officers of marines, or marines, in a proportion equal to half the increased pay provided by this act ; and which shall thereupon be paid in the same manner as if such declaration and order of allotment had been originally, according to the rate of half the pay of such petty officers, seamen, and marines, as by this act is provided. This calculation is to be made as nearly equal as may be to half the pay, and to be calculated according to a schedule annexed to the act.

From the brief view we have given of this subject, taking also into consideration the flourishing state of the Navy, it may be justly inferred, that the many salutary laws and regulations which have from time to time been wisely framed for the encouragement of seamen in the royal navy, for their government when on board, and for conferring privileges and rewards on them during and after service, have now been raised to an higher degree of excellence than is known to other states : it is ever consistent with the sound policy of a free and maritime nation, most assiduously to continue to cultivate every measure, which at the same time that it adds to the comfort of our brave mariners, reminds them that their services are duly appreciated by their country.

# REGULATIONS RELATIVE TO THE WAGES OF OFFICERS, SEAMEN, &c. IN THE ROYAL NAVY.

*Abstract of the several Acts of Parliament now in force relating to the Payment of the Wages of Petty Officers and Seamen, Non-commissioned Officers of Marines, and Marines, serving on board the Royal Navy of Great Britain.*

31 Geo. II. c. 10.

2 Geo. III. c. 63.

3 Geo. III. c. 16.

32 Geo. III. c. 33, 34. & 67.

Every volunteer who shall enter his name with any officer appointed for entering volunteers, shall be entitled to wages from the date of his entry, provided he shall appear on board his ship within fourteen days thereafter; if his ship be distant more than 100 miles, he shall be allowed twenty days to join it, and thirty days, if the distance exceeds 200 miles; he shall likewise be entitled to the usual conduct money and two months advance wages at the first fitting out of the ship, which shall be paid before it proceeds to sea; and all petty officers, seamen, and marines shall be entitled to the like advance of two months wages, before the ship they are on board of shall sail, in case they should not have received the same before.

31 Geo. 2. c. 10.  
Entry of volunteers, and advance money.

Monies granted or to be granted by parliament for the service of the navy, shall in the first place be applied for the regular payments of all tickets, and for the regular discharge of all wages due or to grow due, in manner following, that is to say, as often as any ship shall have been at sea pay, twelve calendar months or more, shall be or arrive at any port of Great Britain, or on the coast thereof, the captain or commander shall immediately cause five complete pay books to be made out for all the time such ship

31 Geo. 2. c. 10.  
32 Geo. 3. c. 34.  
Payment of tickets and wages.



31 Geo. 2. c. 10  
32 Geo 3. c. 33.

shall have been in pay, except the last six months, and shall forthwith transmit by the first safe opportunity, such books, together with three alphabets and flog book to the Commissioners of the Navy at their board ; and as soon as such ship shall be or arrive at any port of Great Britain where there is a Commissioner of the Navy, shall immediately solicit the necessary sums of money, and cause payment to be made of the wages due, deducting the advance money and all defalcations, and leaving always the wages due for the last six months, and for the time employed in preparing the books, unpaid, and no more ; and all the wages due upon any ship shall be paid as soon as may be, or within two months at farthest, after the arrival of such ship in port, to be laid up.

Payment of the  
wages of at-  
tendants.

If any inferior officer, seaman, or marine, who shall have been absent at the payment of the ship upon leave, upon any detached service, from having been taken by the enemy, or cast away, shall make application for payment of his wages in person, or through his commander, to the Commissioners of the Navy at their board, or to any Commissioner of the Navy at any port of Great Britain, where any book, or extracts or lists made from the same, to be sent to whichever of the above places the party may be, and the wages forthwith to be paid ; but if his ship shall not be paid, and he shall be left behind upon any detached service, when it proceeds on foreign service. Tickets, upon application from the captain of the ship on board of which he shall be ordered to serve, shall be made out from the muster book, but which shall not be payable until such ship shall come in course of payment, or until he shall be regularly discharged therefrom. When the pay books are closed, tickets

shall, upon application be made out at the Navy Office, to the inferior officers, seamen, and marines, who shall not have received their wages, and such tickets shall be paid in course of once a month.

31 Geo. 2. c. 10.

32 Geo. 3. c. 33.

Every petty officer, seaman, or marine, who shall be in any way discharged from any ship, shall receive from his captain or commander a certificate of his time and service (blank copies of which certificates shall be issued to all captains and commanders by the Commissioners of the Navy when they shall demand the same); and no inferior officer, seaman, or marine shall receive any wages, nor shall such wages be paid to his order, or to his power of attorney, or to his heirs or executors, unless such certificate be produced, or unless he shall be identified by a commissioned or warrant officer, who belonged to the ship at some part of his time in service; and if he shall have been taken by the enemy, or cast away, he shall not be paid his wages, unless he shall have appeared on board of a king's ship at a reasonable time thereafter, or unless in any of these cases he shall shew a reasonable cause for not complying with these directions, that shall be admitted as such by the commissioners comptrolling, and the clerk of the treasurer then paying: and wages due to any person who shall be marked upon the ship's books, and to have run from the service, shall not be payable unless such mark shall be taken off by order of the Commissioners of the Navy.

Payments to persons discharged or run, and to persons captured or cast away.  
32 Geo. 3. c. 34 and 67.

Every inferior officer, or seaman, who shall be turned over, when at a port of Great Britain, where a Commissioner of the Navy may be, shall be paid for the ship from which he shall

Pay to inferior officers turned over in Great Britain.

31 Geo. 2. c. 10.

31 Car. 2. c. 10. be so removed, before that into which he shall go proceeds to sea, unless otherwise ordered by the Admiralty in cases of the greatest exigency only, in which case the wages shall be paid as soon as such ship shall come again into any port of Great Britain where there shall be a Commissioner of the Navy.

Pay to persons  
turned over  
abroad.

32 Geo. 3. c. 33.

When any inferior officer, seaman, or marine shall be removed from one ship to another while abroad, or where no Commissioner of the Navy shall reside, he shall receive a reserve ticket for the time he shall have served in the ship from which he shall be turned over, which shall not be saleable or transferable, but for which he shall receive payment by applying in person at any one of the pay offices in London, Portsmouth, Plymouth, or Chatham, provided he shall appear to have regularly entered, and to have been three times mustered in the ship into which he was turned over, or appear upon the books to have been regularly discharged therefrom.

Persons dis-  
charged as un-  
serviceable into  
sick quarters.

If he shall be discharged from his ship unserviceable at home or abroad, or be sent sick into any hospital or sick quarters at home or abroad, he shall receive from his captain or commander a ticket in like manner; and if after being received into any such hospital or sick quarters he shall be discharged unserviceable therefrom, he shall also receive from the agent of such hospital a certificate of his discharge, and upon presenting such ticket and discharge from such hospital, at any of the pay-offices above-mentioned, together with a certificate of his having received no wages for his services on his passage home; if he shall have come home in a packet or merchantman, he shall receive payment thereof, and shall be sent by the com-

miffioner to the neareft hofpital, where he 32 Geo. 3. c. 33.  
shall be received and victualled, from the time  
of prefenting his ticket till he be paid ; and if  
he shall be or arrive in any other port of Great  
Britain or Ireland, he shall prefent his tickets  
and certificates to any collector of the cnftoms,  
collector of the excife, receiver general of the  
land tax, or clerk of the check, who may be or  
refide at that place, and the collector, receiver,  
or clerk of the check, being fatisfied as to his  
identity, shall forward the faid tickets and cer-  
tificates to the Commiffioners of the Navy, in  
London, who will return a bill for the amount  
of the wages due thereon, and which bill shall  
be payable by fuch collector or receiver, in the  
manner more particularly defcribed in the 9th  
clause of this abstract : if any fuch remove  
tickets should be unavoidably loft or destroyed,  
the party or his heirs shall be entitled to receive  
whatever shall be due to them, upon other  
tickets to be made out from the mufter books,  
or upon the fhip's books, if the fhip shall be  
then paid for the time : if the petty officer,  
feaman, or marine, who shall have been fent  
fick as aforefaid to any hofpital or fick quarters,  
shall be difcharged therefrom, to return to his  
fhip, he shall leave his ticket with the agent ;  
but if he shall be difcharged to go on board  
any other fhip, he shall carry his ticket with  
him, but which shall not be payable until he  
shall be difcharged therefrom ; and when fuch  
petty officers, feamen, and marines, shall be  
at any time fick on fhore, the agent of the ho-  
fpital or fick quarters shall make out a lift, con-  
taining their names and numbers at which they  
ftood in the fhip's books, to which he shall  
procure the fignature of the officer who  
conducted them on fhore, and as foon after-

32 Geo. 3 c. 33. wards as possible that of the commander or captain of the ship from which they were sent.

Persons dying on board.

When any inferior officer, or seaman, or marine shall die on board, a dead ticket shall be transmitted by the first opportunity to the Commissioners of the Navy, for the wages due to him, as also annexed thereto a list or bill for the value of the clothes and effects (if any) which he may have left, and the said commissioners shall assign the same for payment within one month from the time from which they shall receive it, and, upon application, cause it to be delivered for the benefit of the heirs or executors of the party.

Payment of six months wages when twelve are due, to certain relations

31 Geo. 2. c. 10.  
32 Geo. 3. c. 33.  
& 67.

As often as any ship, not being in a port of Great Britain, or on the coast thereof, shall have twelve calendar months wages due, the captain or commander shall cause the names of all the inferior officers, seamen, or marines, to be called over, and each to answer his name, and shall do the same at the end of every six months, when twelve calendar months wages, or more shall be due; and if any such officer, seaman, or marine shall then declare or deliver in writing the name and place of abode of his wife, father, mother, grandfather, grandmother, brother, or sister, and desire that the whole, or any part of his wages then due, (except the wages due for last six months,) should be paid to any such relations by any receiver general of the land tax, collector of the customs, collector of the excise, or clerk of the check, in Great Britain, or by any revenue officer, in Ireland, the captain or commander is strictly required to cause four lists to be made out, of the persons so desiring to make such remittances, and shall transmit lists by the first safe opportunity to the Commissioners of

the Navy at their board, who, on receipt thereof, shall immediately make out two bills, if payment is required to be made in Great Britain, or two certificates if to be made in Ireland, for the payment of the wages allotted by each person, one of which bills or certificates shall be sent to the persons respectively specified in such lists, and the other to such receiver, collector, or clerk of the check, or commissioners of the revenue in Ireland.

31 Geo. 2. c. 10.  
32 Geo. 3. c. 33.  
& 67.

And if the person to whom any such bills are sent, shall within six months from the date thereof deliver the same to such receiver, collector, or clerk of the check, together with a certificate that such person is the wife, father, mother, grandfather, grandmother, brother, or sister, (as the case may be), of such officer, seaman, or marine respectively, under the hand of the minister and churchwardens, or in Scotland of the minister and two elders of the parish where such person was married or resides, such receiver, collector, or clerk of the check, upon being satisfied of the truth of such certificate by examining the party upon oath, or otherwise, is immediately, without fee or reward, to pay the sum mentioned in such bill, taking a receipt; such bill or certificate, together with the duplicate thereof, being produced at the Navy Office, shall be immediately assigned payment by the Commissioners of the Navy, and repaid by the Treasurer of the Navy to such receiver, collector, or clerk of the check, or to the commissioners of the revenue in Ireland or their order respectively: but if payment of the said bill be not demanded of such receiver, collector, or clerk of the check, and the duplicate of the said bill, together with a proper certificate, be not produced and delivered to

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31 Geo. 2. c. 10.  
32 Geo. 3. c. 33.  
& 67.

them respectively within six months from the date thereof, the bill or certificate is to be returned and cancelled, and the sum contained therein is to become payable to such inferior officer, seaman, or marine, when the ship shall be paid.

Payments to persons not being in London, or where seamen's wages are paid.

Remittance to relations when wages are paid at London or the out ports.  
10 Geo. 3. c. 33,  
34, & 67.

When wages shall be due to inferior officers, seamen, or marines, who shall have been discharged unseaworthy, or to the heirs or executors of inferior officers, seamen, or marines, or to those who shall administer as their principal creditors, and who in either case shall not be in London, or at any of the ports where seamen's wages are paid, (or when wages shall be paid at the pay office, or any of the out ports), if any inferior officer, seaman, or marine shall be desirous to remit the whole or part of his wages to himself, his wife, children, parents, or any other person, and to have a bill or certificate for the same drawn upon any such receiver general, collector, or clerk of the check, or commissioners of the revenue in Ireland, then, in each of these cases, two bills or two certificates are to be made out, one of which is to be delivered to such officer, seaman, or marine, or sent or delivered to such heir, executor, or creditor, and the other to be sent to the receiver, collector, or clerk of the check, or to the commissioners of the revenue in Ireland, who shall pay or cause to be paid immediately the sum therein mentioned, without any fee or reward, and who shall be repaid by the Treasurer of the Navy, and shall return the bill if unpaid after six months, in manner directed by the former clause.

Receiver, &c.  
not paying bills  
or certificates

If any receiver, collector, or clerk of the check, shall not have in his hands money to

answer any bill or certificate tendered by the party in whose favour the same is made out, and shall refuse or delay the immediate payment thereof, he is to indorse thereon the cause of his refusal or delay, and appoint some day for payment within one month after such tender; and if, upon complaint to the commissioners respectively appointed to manage the land tax, customs, or excise, or to the commissioners of the navy, or the commissioners of the revenue in Ireland respectively, it shall appear that any such receiver, collector, or clerk of the check hath unnecessarily and wilfully refused or delayed payment, or that he or any person employed by or under him, hath taken any fee, reward, gratuity, discount, or deduction, on account of payment of any such bill or such certificate, such commissioners may fine such offender in any sum not exceeding 50*l*.

31 Geo. 2. c. 10.  
12 Geo. 3. c. 33.  
& 34.

Every officer or seaman, who shall be turned over from one ship to another, shall not serve or be rated in a worse quality or lower degree than he served in or was rated for in the former ship.

How persons  
turned over are  
to be rated.  
31 Geo. 2. c. 10.

Every supernumerary man serving ten days in any ship, shall be, and borne for, and entitled to his wages upon the books of such ship, and to all other benefits as if he was part of the complement of such ship; but men lent from one ship to another, shall continue to be, borne for, and entitled to their wages upon the books of the ship from which they were lent until they shall be regularly discharged from thence, and in no other.

Supernumeraries, and men  
lent.

Any inferior officer, seaman, or marine, who shall be desirous to execute a will or a power of attorney, and shall at that time belong to any

Executing wills  
and powers of  
attorney.  
32 Geo. 3. c. 34.



26 Geo. 3. c. 63.

32 Geo. 3. c. 34.

ship, must execute the same on board of such ship, unless he be at sick quarters : if made on board, it must be attested by the commanding officer, and one other signing officer belonging to the ship, and must specify the number at which the maker stands rated upon the ship's book : if at sick quarters, it must be attested by the agent, and must specify his number.

If he shall have been discharged the service, and shall be within the bills of mortality of the cities of London and Westminster, his will and power must be attested by the inspector or his assistant at the Navy-office in London.

26 Geo. 3. c. 63.

If he shall be at Portsmouth, Plymouth, or Chatham, or within seven miles of these places, his power must be attested by a clerk of the Treasurer of the Navy at such place.

If he shall be in any other place in Great Britain or Ireland, his will or power of attorney must be attested by the minister and two churchwardens, or two elders, of the parish where he shall be at the time of executing the same.

All wills and powers of attorney, made by inferior officers, seamen, or marines, must contain the full description of the residence, profession, or business of the person who shall be therein appointed attorney, or executor, and also the name of the ship to which such officers, seamen, or marines last belonged, and if made on board, or at sick quarters, the number at which their names stood on their respective ships books : every letter of attorney must be declared in the body thereof to be revocable.

32 Geo. 3. c. 34.

A certificate of discharge must be produced to whosoever shall attest any will or power of attorney, made on shore by inferior officers, seamen, or marines, and forwarded to the in-

inspector with such will or power, or a reason be given for the same not being produced, which shall be noted on the back of the will or power and must be admitted as satisfactory at the Pay-office before a check can be issued.

26 Geo. 3. c. 63.  
32 Geo. 2. c. 34.

All powers of attorney and wills, made by inferior officers, seamen, or marines, must be delivered to those who attest them, who are directed to forward them immediately to the Treasurer or to the Paymaster of the Navy, at the Pay-office in London, to be kept there as vouchers, and as soon as they are ascertained to be authentic, by investigation to be made at such office, (for which purpose the inspector shall have free access to all pay and muster books of ship, and to all hospital returns,) checks in lieu of the same will be issued to the parties named as attorneys or executors, that shall be the same as the original powers of attorney or wills: all wills and powers of attorney made by inferior officers and seamen prior to the 1st day of August 1792, must be sent to the Navy Pay-office in London, where they must be examined and approved of, and stamped by the inspector, before any payment of wages, or other allowances can be made upon them.

Inferior officers, seamen, or marines, may grant orders instead of powers of attorney, when the wages due to them do not exceed 7l.; but which orders must be witnessed by the commander, or by a signing officer or lieutenant on board of the ship where such service was performed, and the same accompanied by a certificate from such officer, must be submitted for inspection at the Pay-office in London, to be stamped for payment.

Orders for wages  
under 7l.  
32 Geo. 3. c. 34.

26 Geo. 3. c. 63.  
32 Geo. 3. c. 34.  
Duty of captains  
and lieutenants  
with respect to  
the muster-  
books.

All lieutenants to sign their names upon some page of every muster-book, that their signatures may be known at the Navy Pay-office: all captains or commanders are to specify upon every such muster-book, which of the men have granted wills or powers since the preceding return.

32 Geo. 3. c. 67.

And all officers in the navy, and other officers under government, are to grant the certificates, attest the vouchers, and act in other respects as shall be necessary on their part, to fulfil the meaning and intent of the respective instructions and requisitions contained in this abstract.

Assignments  
from commis-  
sioned and war-  
rant officers.

31 Geo. 2. c. 10.  
26 Geo. 3. c. 63.  
32 Geo. 3. c. 33.

All wills, letters of attorney, and orders, (unless agreeable to the aforesaid directions), made by inferior officers, seamen, or marines, and all bargains, bills of sale, and assignments, concerning the wages or allowances of money due, growing, or to grow due, to any inferior officer, seaman, or marine, shall be null and void; but assignments, made by commissioned and warrant officers, shall be good and valid, provided they be made general and for certain specified sums, and the Treasurer of the Navy shall pay all wages or other allowances due to such officer upon such assignments until the sum specified in the same shall be duly satisfied; and in cases where more than one assignment shall be produced, the treasurer shall pay them according to the priority of their dates; but he shall take no notice whatever of any assignment made by any officer, unless the same shall be accompanied with the necessary certificates and papers; and the said treasurer shall not take notice of any power of attorney or the check

of any power, unless presented at the time of payment; and if two or more powers or checks shall be presented at the same time, payment shall be made to that which bears the latest date.

31 Geo. 3. c. 33.

British governors, ministers, and consuls, residing at foreign ports, or where no such are present, any two British merchants are required to provide for seafaring men or boys, subjects of Great Britain, who by shipwreck, capture, or any other unavoidable accident, shall be in foreign parts, or who shall be discharged there as unserviceable from the Royal Navy, and subsist them at nine-pence per diem each, and send them home as soon as conveniently may be, in any ship belonging to the Royal Navy, or in any merchant ship.

Subsisting seafaring subjects of Great Britain when abroad.

Ibid.

Masters of ships shall be allowed *nine-pence per diem* for all such men and boys as shall exceed their complement.

Allowance to such masters of ships.

Ibid.

Inferior officers, seamen, or marines, shall not be taken out of the service for any debt, unless such debt shall have been contracted before they entered the navy, and shall exceed 20l.

Inferior officers, &c. not to be arrested for certain debts.

Ibid.

But creditors may file a common appearance, so as to entitle them to proceed to judgment and outlawry, and to have an execution thereon, except against the bodies of such seamen, &c.

How creditors may proceed.

Ibid.

Receivers of seamen's wages, taking more than sixpence in the pound, shall, for every offence, forfeit 50l.; and if such offender be a clerk, officer, or servant in any office belonging to the navy, he shall lose his place, and be incapable of holding any place of profit in such office.

Allowance to receiver of wages.

31 Geo. 2. c. 10.

Clerks, &c. taking fees.  
32 Geo. 3. c. 67.

Clerks, officers, and servants in offices belonging to the navy, taking fees (not allowed by the acts of which this is an abstract) for doing any thing directed by the said acts, shall be subject to the same forfeitures.

Captains to transmit pay-books.  
31 Geo. 2. c. 10.

Captains or commanders of ships are to transmit, from time to time, to the Navy Board, complete pay books, lists, and tickets, and also, once in every two months, complete muster-books, under the penalty of forfeiting all their wages to the Chest at Chatham, and of being liable to such further punishment as a court martial shall inflict, except in cases of necessity, to be made appear to the satisfaction of the Lords of the Admiralty.

Captains not transmitting pay-books.  
31 Geo. 2. c. 10.  
32 Geo 3. c. 67.

The payment of tickets, certificates, or pay lists, shall not be delayed, though the muster or pay-books be not received by the Commissioner of the Navy; but if any error should be made in any ticket, certificate, or pay list, the loss shall be made good out of the wages of the captain or commander by whom such ticket, certificate, or pay list, was made out.

How muster books left abroad are to be transmitted.  
32 Geo. 3. c. 34.

Captains or commanders who shall sail from any foreign station before an opportunity offers of transmitting home their muster-books, lists, and tickets, shall leave them with the naval officer, or some respectable merchant or other person, to be forwarded by the first opportunity.

Muster books to be delivered by captains to their successors.  
31 Geo. 2. c. 10.  
32 Geo 3. c. 33.

Any captain, removed from his ship, shall leave with his successor complete muster-books, signed by himself and the proper officer, to the date of his removal, receiving a receipt for the same; and the Commissioners of the Navy shall not sign his general certificate unless such receipt be produced, or unless it appear that

the directions herein given were complied with as far as the nature of the service would admit.

31 Geo. 2. c. 10.  
32 Geo. 3. c. 33.

Wages, &c. earned by an apprentice shall be paid to his master as usual, if such master produce the indentures at the pay table when the wages are demanded, unless such apprentice shall have been eighteen years of age when he was indented, in which case he may receive payment of the same himself, or unless he shall be rated as a servant to an officer, in which case his wages shall be paid to such officer according to the usual practice of the navy, unless such officer shall have been informed of such apprenticeship by the indentures having been exhibited to him.

Wages of apprentices.  
31 Geo. 2. c. 10.  
32 Geo. 3. c. 3.

All months to which this abstract of the naval acts relates shall be reckoned calendar months, except in computing wages, when each month shall consist of twenty-eight days only.

What shall be deemed a month.  
32 Geo. 2. c. 34.

Captains or commanders issuing any tickets, other than such as are directed by the different acts of which this is an abstract, shall be subject to a penalty of 50*l.* for every ticket, and shall forfeit all their wages to the Chest at Chatham.

No tickets to be issued but such as are here mentioned.  
31 Geo. 2. c. 10.

Those who can claim the wages of any inferior officer, seaman, or marine, as executors, as soon as they shall be informed of the testator's death, must forward the authorities under which they so claim by the general post, addressed to the Treasurer or Paymaster of the Navy, London. Those who claim as nearest of kin must also write, when they shall have been informed of the death of their relations, by the general post, to the treasurer or

How executors, administrators, and creditors are to proceed.  
26 Geo. 3. c. 63.  
32 Geo. 3. c. 34.

26 Geo. 3. c. 63. paymaster, stating their pretensions to the  
32 Geo. 3. c. 34. wages which may remain due; and those who shall be entitled to claim as creditors must apply in like manner, and at the same time state in writing the nature and amount of their demand. A proof must also be produced in each of these cases.

*Cases of the Inferior Officers, Seamen, or Marines.*

Death.—If he shall have died after having left the service, the business will then be properly investigated at the Navy Pay-office, and if the claim be found just, the necessary expences of administering at Doctors Commons (which are limited as per clause 32d of the abstract) will be defrayed, and the balance will be directed to be paid to the executor or administrator, if present, and if absent by a remittance bill, as described in the 10th clause of this abstract.

32 Geo. 3. c. 34. Executors in wills, or those who shall be entitled to administer as widow, next of kin, or creditor, to inferior officers, seamen, or marines, may receive the wages due without the expence of taking out letters of administration when such wages or other allowances do not exceed 10l. provided the justness of their claims be ascertained at the Pay-office; and the said wages, &c. shall be remitted in like manner, if required, to any part of Great Britain or Ireland.

Pensions to  
out pensioners  
of Greenwich  
H. Spital.

3 Geo. 3. c. 16.  
32 Geo. 3. c. 67.

Pensions due to out pensioners of Greenwich Hospital shall be paid by bill in like manner in any part of Great Britain or Ireland, upon application being made by the party in writing to the governors of the said hospital.

Registers or proctors of Doctors Commons, taking more than the sum allowed by the act to be charged in the different events therein specified, shall forfeit the sum of 50*l*.; and any register or proctor, aiding or assisting in procuring probates or administration, otherwise than in the manner prescribed by the act, shall for ever be rendered incapable of acting in any ecclesiastical court in Great Britain, and shall for every offence forfeit the sum of 500*l*.

Charges of proctors.  
32 Geo. 2. c. 34.

Whoever willingly or knowingly shall personate, or procure any other to personate any officer, seaman, or other person entitled to wages, &c. or the executor, administrator, wife, relation, or creditor of any such, in order to receive any wages, pay, allowances, or prize money, or shall forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, or other power of authority whatsoever, in order to receive any wages or pay, &c. or shall willingly or knowingly take a false oath, or procure a false oath to be taken, to obtain the probate of a will, or letters of administration, in order to receive any wages, shall be guilty of felony, and suffer death; and whoever knowingly shall forge or counterfeit any certificate of discharge, or certificate of servitude, in order to entitle them to recover their own wages, or assist in so doing, shall be punished as in cases of perjury.

Punishment to persons personating other captains, &c.  
31 Geo. 2. c. 10.  
32 Geo. 3. c. 33.  
34, and 67.

The tickets, certificates, pay lists, bills, and duplicates, herein mentioned, shall be sufficient vouchers to the Treasurer of the Navy for payments made thereon.

Vouchers to the Treasurer of the Navy.  
Ibid.

Every part of the complement on board any of his Majesty's ships is included under the denomination of inferior, or petty officers, and

Who are deemed inferior officers, seamen, and marines.  
32 Geo. 3. c. 34.



32 Geo. 3. c. 34. **seamen, non-commissioned officers of marines, and marines, except those who shall be rated as follows, admirals or flag officers and their secretaries, captains, lieutenants, masters, second masters, and pilots, physicians, surgeons, chaplains, boatswains, gunners, carpenters, purfers, captains of marines, captains lieutenants of marines, lieutenants of marines, and quarter-masters of marines.**

Copies of this abstract, where to be fixed.

32 Geo. 3. c. 67.

This abstract, and also the articles of war, are to be printed and hung up in the most public place in every ship of the Royal Navy; and they are also to be read over once in every month to the ship's company, and the reading of them is to be attested by the signing officers at the foot of the muster-books, to the end that every seaman in the Royal Navy may know the punishments he is liable to for any neglect or disobedience, and the encouragement he is entitled to by the performance of his duty, and that upon suffering any injury he may be enabled to lay his complaint before the Lord High Admiral, or the Commissioners of the Admiralty, who are by this act directed to enquire into the same, and to grant redress if such complaint be justly founded, and to take care that this act be punctually carried into execution.

*Abstract of an Act to enable Petty Officers in the Navy, and Seamen, Non-commissioned Officers of Marines, and Marines, serving in His Majesty's Navy, to allot Part of their Pay for the Maintenance of their Wives and Families.*

What part of pay may be allotted to wives, children, or mothers.

Every petty officer, and non-commissioned officer of marines, may allot for the maintenance

35 Geo. 3. c. 28.

nance of their wives and children, or mothers, 15 Geo 3. c. 28. one-half of his wages; every able-bodied seaman five-pence per day; and every ordinary seaman or landman four-pence per day; every marine may allot three-pence per day while he shall actually serve on board any of his Majesty's ships, or be borne for wages upon the books of any such ships; which said several sums shall be paid every *twenty-eight days*, under the rules and regulations by this act directed.

If any seaman or landman shall voluntarily enter with any regulating officer for his Majesty's naval service, and shall, at the time of entering, declare to the officer his name and place of abode, and that he is married, and shall likewise declare the name of his wife, and at what place she then resides, and if he has a child, or children, distinguishing how many of them are boys; or shall declare that he has a mother, and the place of her residence, and that he is willing to allot a part of his wages for the maintenance of his said wife and child, or children, or of his mother; in that case, if the wife or mother reside in London, or within the bills of mortality, the sum allotted to her shall be paid by the Treasurer of the Navy; and if she reside at Portsmouth, Plymouth, or Chatham, or within five miles of any of these places, the sum allotted to her shall be paid by the clerk of the checque at any of those places within five miles of which she shall reside; but if the residence of the wife or mother shall not be in London, or within the bills of mortality thereof, or at Portsmouth, Plymouth, or Chatham, or within five miles thereof respectively, in every such case the sum allotted shall be paid

*How persons wishing to allot their pay are to conduct themselves when they enter.*  
Sect. 2.

35 Geo. 3. c. 28. to her by the receiver-general of the land-tax of any county, riding, or city, or by the collector of the customs for any port, or by the collector of excise for any collection in Great Britain, nearest to the place of residence of the wife or mother of such seaman or landman; and such regulating officer for entering seamen or landmen shall immediately make out three declarations of allotment, and three orders for payment (which shall be triplicates of each other, and joined together \*), which declarations and orders of payment, being numbered and dated, and the blanks otherwise filled up, the said seaman or landman shall

\* No. 11.

I, A. B.  $\left\{ \begin{array}{l} \text{Petty officer,} \\ \text{Seaman,} \\ \text{Landman,} \\ \text{Non-commissioned} \\ \text{officer of marines,} \\ \text{Marine,} \end{array} \right\}$  do hereby declare, that I,  
 having a  $\left\{ \begin{array}{l} \text{wife,} \\ \text{mother,} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{and one child, a boy,} \\ \text{and children,} \end{array} \right\}$  of whom are boys,  $\left. \right\}$   
 living at  $\left\{ \begin{array}{l} \text{entered this day to serve in his} \\ \text{Majesty's Navy,} \\ \text{now serving on board his Ma-} \\ \text{jesty's ship} \end{array} \right\}$  in the county of  $\left\{ \begin{array}{l} \text{ } \end{array} \right\}$  at  $\left\{ \begin{array}{l} \text{ } \end{array} \right\}$  have allotted

for the maintenance of my  $\left\{ \begin{array}{l} \text{wife} \\ \text{mother,} \end{array} \right\}$   $\left\{ \begin{array}{l} \text{and child} \\ \text{and children} \end{array} \right\}$

and I do hereby direct you to pay, or cause to be paid to C. D. my  $\left\{ \begin{array}{l} \text{wife,} \\ \text{mother,} \end{array} \right\}$  living in the place and county aforesaid, at the end of every twenty-eight days from the date hereof, the sum of  $\left\{ \begin{array}{l} \text{ } \end{array} \right\}$  per day out of the wages or pay so grow due to me as a  $\left\{ \begin{array}{l} \text{ } \end{array} \right\}$  in his Majesty's Navy, a duplicate hereof having already been transmitted to you, signed by three of the Commissioners of his Majesty's Navy, upon her producing a certificate under the hands of the minister or churchwardens, or the elders or elder of the parish where she resides, that to the best of my knowledge the said C. D. is my  $\left\{ \begin{array}{l} \text{wife} \\ \text{mother;} \end{array} \right\}$  or in the event of the death of my wife pay the sum aforesaid to the person who shall by the minister and churchwarden or churchwardens, or elders or elder

sign his name, or make his mark, at each of the said triplicates, and the said regulating officer shall sign his name as witness thereto; and if the said wife or mother shall then attend in person, such regulating officer shall cut off one of the triplicates and deliver it to the said wife or mother, and shall immediately thereafter send the other two triplicates to the Commissioners of the Navy, at their Board, in London; but in case the wife or mother shall not attend at the time aforesaid, the said regulating officer shall send the said triplicates to the Commissioners of the Navy; and such regulating officer shall, in his returns to the Admiralty or Navy Board, specify, opposite to the names of every man so entered, whether he has allotted part of his pay for the maintenance of his wife and child, or children, or of his mother, and the amount of such allotment, together with the date of the order for the payment thereof.

N. B.—The personating or false assuming the name and character of the wife or mother, or

of the parish where my said wife resides, be appointed to receive the same for the maintenance of my { child.  
children. } Dated { at  
on board his

Majesty's ship } this day of

(Signed)

Witness (if on shore)

(if on board)

A. B.

Thomas Bowling,  
Lieutenant in his Majesty's Navy.

D. E. Captain.

F. G. Lieutenant and  
Signing Officer.

To the Treasurer of his Majesty's Navy.

To the Receiver-General of the Land Tax of

To the Collector of the Customs of the Port of

To the Collector of the Excise at

To the Clerk of the Check at

(Signed)

H. I.

K. L.

M. N.

{ Commissioners  
of his Majesty's  
Navy.

By virtue of the act of the 35th Geo. 3.

35 Geo. 3. c. 28. person to be appointed on the behalf of the child or children of any petty officer, seaman, or landman, non-commissioned officer of marines, or marine, or procuring any other to do the same, in order to receive any part of the wages or pay of such petty officer, seaman, or landman, non-commissioned officer of the marines, or marine, is made felony, without benefit of clergy, by the act 35 Geo. 3.

Allotting of seamen's pay when captains muster their companies.  
Sect. 3.

As often as the captain or commander of any ship or vessel shall muster his ship's company, and if any petty officer, &c. shall thereupon declare, or deliver in writing, the name and place of abode of his wife, and if he has a child, or how many children, distinguishing how many of such children are boys, or that he has a mother, then alive, and the place of her residence, and desire that a part of his wages should be allotted to his said wife, or to his mother, then, and in that case, the sum allotted shall be paid to the wife or mother of such petty officer, &c. according to the regulations of the preceding clause; and the captain of such ship is hereby strictly required to cause a list to be made out, which shall contain the name of every such petty officer, &c. in which list the name and place of abode of the wife, or mother, child, or children, as the case may be, or whether he has a child, or how many children, distinguishing how many of such children are boys, shall be specified and described in distinct columns, opposite to the name of such petty officer, &c.; and every such petty officer, &c. shall write his name, or make his mark, in a separate column in the said list, which list shall be forthwith signed by the captain or commander, and any other of

the signing officers of such ship; and every such petty officer, &c. shall also sign his name, or make his mark, to each of the three declarations and orders of payment as before mentioned, and which declarations and orders shall be in the same form of words as herein before described; and the said declarations and orders shall be forthwith completed, and such captain or commander shall transmit the list, and the three declarations and orders aforesaid, by the first safe opportunity, to the Commissioners of the Navy, at London.

35 Geo. 3. c. 28.

As soon as the said declarations and orders shall be received by the Commissioners of the Navy, they shall examine with the list transmitted by the regulating officer, or by the captain, and, if found right, the same shall be filled up agreeable to the particulars specified in the several columns of such list, and shall be then allowed and signed by any three of the commissioners, specifying the date on which they so sign the same; and in all cases where the triplicates of the said declarations and orders shall have been transmitted to the Commissioners of the Navy, they shall cut them asunder, and transmit one of them to the wife or mother of such petty officer, &c. and another of them to the receiver-general of the land tax, &c. to whom such order shall be so directed, and the third to the Treasurer of the Navy; and where only two such declarations and orders shall have been transmitted to the said Commissioners, they shall in like manner transmit one of them to the receiver-general of the land tax, &c. to whom such order shall be so directed, and the other to the Treasurer of the Navy; but in cases where the allotment of

Duty of the  
Commissioners  
of the Navy.  
Sect. 4.

H H

35 Geo 3 c 28. such wages is to be paid by the Treasurer of the Navy in London, or within the bills of mortality, then *two* of the said triplicates shall be transmitted to the Treasurer of the Navy.

Duty of the  
Treasurer of the  
Navy, Receiver-  
General, &c.  
Sect. 5.

When at the end of twenty-eight days, or more, after the date of such declaration and order, the same (together with the certificate therein mentioned from the minister and churchwardens, or elders, as the case may be) shall be presented to the Treasurer of the Navy, receiver-general of the land tax, collector of the customs, collector of the excise, or clerk of the check, respectively, to whom the same is addressed, he shall compare such declaration and order with the triplicate of the same which shall have been transmitted to him by the Commissioner of the Navy; and enquire into the truth thereof, and of such certificate as aforesaid, if necessary, by the oath of the wife or mother producing the same, which oath he is empowered to administer; and, upon being satisfied of the authenticity of such declaration and order, and of such certificate, he shall immediately pay to the said wife or mother, without fee or reward, and without deduction on any pretence whatever, the sum allotted to her, taking her receipt for the same, to which she shall sign her name, or make her mark, in the presence of the person paying her, who shall also sign his name as witness thereto, and he shall also mark her receipt and certificate with the same number as that of her husband's declaration and order, and shall also mark on the said declaration and order the date of such payment, the amount of the sum paid, and the time from whence, and up to what time, the same so became due, after which he shall do

liver back the declaration and order so produced by her; and the person making such payment shall in like manner mark the triplique which shall have been transmitted to him by the Commissioners of the Navy as aforesaid, and at the end of every four weeks or twenty-eight days thereafter, upon similar application made, and upon producing such order and certificate in manner before directed, the payment shall be made in the same manner and form to the said wife or mother, during her life, or so long as her husband or son shall live, and continue as a petty officer, &c. in the service of his Majesty, except where no demand shall be made upon such order within six months from the date of making thereof by the Commissioners of the Navy, or from the date of the last payment made thereon.

When the wife of any such petty officer, &c. shall happen to die, and such petty officer, &c. shall have a child or children under the age of fourteen years, the minister and churchwardens, or elders of the parish where such wife so dying resided at the time shall certify to the Commissioners of the Navy the death of such wife, the day thereof, and that the husband has a child, or children, then alive, under the age of fourteen years, and the age of such child or children, as nearly as they can, and shall distinguish how many of such children are boys; and such minister and churchwardens, or elders, shall also certify their intention of appointing a proper person within their parishes to receive that part of the father's wages which had been allotted by him for the maintenance of his child or children, in the event of the death of his wife; and along with such



35 Geo 3. c. 28. certificate the minister and churchwardens, or elders, shall also transmit the triplicate of such declaration and order before mentioned, which was in her possession at the time of her death; whereupon the Commissioners of the Navy, if they are satisfied of the truth thereof, and that the father of such child or children is still alive, and in the service of his Majesty, shall then cause to be made out three certificates and orders (which shall be triplicates of each other, and joined together), the triplicates of which certificate the Commissioners of the Navy shall send to the minister, churchwardens, or elders of the said parish: and such minister, &c. shall cause the blanks to be filled up, and the said minister, with the churchwardens or elders, shall sign the same, and having procured two of the justices of the peace of the county to attest the same, the said minister, &c. shall return the said three triplicates to the Commissioners of the Navy, who shall immediately, if found right, mark each of the triplicates with the same number as the original declaration and order; and the said Commissioners, or any three or more of them, shall date and sign their allowance thereof, and shall address each of the triplicates to the same public officer to whom the original order was addressed for payment; and the same being so completed, they shall transmit one of them to the person who shall be appointed by the said minister, &c. and shall therewith also transmit the original declaration and order, which was in his possession at the time of or previous to her death, and another of the aforesaid triplicates shall be forthwith transmitted to the person appointed to pay the same; and the third of the said tri-

plicates to be delivered to the Treasurer of the Navy. 35 Geo. 3. c. 28.

At the end of twenty-eight days, or more, from the date of the last payment made to the wife who may have so died, or from the date of the original declaration and order (in case she shall have received no payment therein), the person appointed in such certificate may apply to the Treasurer of the Navy, &c. to whom the same may be addressed, for payment of what may be due thereon, and shall then produce the original declaration and order of such petty officer, &c. in favour of his wife, the certificate of the minister and churchwardens, or churchwarden, or elders, or elder, of his appointment, the attestation thereof by two justices of the peace, and allowance thereof by any three Commissioners of the Navy, as is before mentioned, and shall also produce and deliver to such Treasurer of the Navy, &c. a certificate from the minister and churchwardens, or churchwarden, elders, or elder, specifying that there is a child, or the number of children, under the age of fourteen years, of such petty officer, &c. whose wife may have died as aforesaid, then living in their parish, and distinguishing if such child, or how many of such children are boys, and the age of such child, or the respective ages of such children, as nearly as they can; and such Treasurer of the Navy, &c. shall examine these several papers so produced, with the triplicates thereof, transmitted to him by the Commissioners of the Navy, and shall enquire into the truth thereof, if necessary, by the oath of the party producing the same (which oath he is empowered to administer), and being satisfied with the authen-

Further proceedings on the death of the wife.  
Sect. 7.

35 Geo. 3. c. 28      ticity and truth thereof, he shall immediately pay to the person so appointed the sum due thereon, without fee or reward, and without deduction on any pretence whatever, so as the same shall not be for a less period than twenty-eight days, except as hereinafter is mentioned, and shall take the receipt of such person for the same, who shall sign the said receipt, in the presence of the persons paying the money, who shall sign his name as witness to the said receipt, and shall also mark the said receipt with the same number as that of the original declaration and order of payment, and upon the certificate of appointment produced by the said person, and also upon the original declaration and order of payment, and upon the certificate of appointment transmitted to him by the Commissioners of the Navy as aforesaid, the date of such payment, the amount of the sum paid, and the time from whence, and up to what time the same became due; and at the end of every twenty-eight days thereafter, upon similar application made, and producing such original declaration and order of payment granted by such petty officer, &c. and such certificate of appointment, attested and allowed as before mentioned; and upon the delivery of such certificate respecting the existence and age of such children as aforesaid, with a receipt for the money, in manner as before directed, the same payment shall be made to the person so appointed; and that for so long as any one of the said children shall remain under the age of fourteen, or so long as their father shall live, or continue as a petty officer, &c. except where no demand shall be made for payment within six months from the date of the Commissioners of the Navy allowing of such cer-

tificate of appointment, or from the date of the last payment made thereon. 35 Geo. 3 c. 28.

If any such seaman, landman, or marine, shall be promoted in the service, viz. if from landman or ordinary seaman to able seaman, or if from able seaman to petty officer, or if from petty officer of an inferior to a superior rank on the list of petty officers; or if any marine be promoted to be a non-commissioned officer, or receive any other similar promotion by which the wages of such person shall be encreased, it shall be lawful for such person so promoted, at any subsequent muster of the ship's company, to declare that he is desirous to make the allowance out of his wages to the full amount allowed to those in the same rank to which he has been promoted; and the captain or commander of such ship is hereby required in the muster-books to specify the same opposite to the name of such person, who shall also sign his name, or make his mark, opposite thereto; and such seaman, &c. shall also sign three declarations and orders of payment (agreeably to the forms before prescribed), which shall be executed and transmitted to the Commissioners of the Navy in the same manner as before mentioned; and such commissioners shall likewise proceed in the same manner as before directed in examining and transmitting the same; and the wife, mother, or person appointed for the children, at the time of receiving the first payment under the new order of payment, shall receive also the difference between the sum in the first order and that in the new order, from the date of such new order up to the time of receiving under the same, in case any intermediate payment

Persons promoted may increase the allotment of their wages.  
Sec. 2.

35 Geo. 3 c. 28. shall have been made on the first order after the date of the second; and he or she so receiving the money as aforesaid shall deliver up the triplicate of the former order, which shall be transmitted to the Commissioners of the Navy, together with the triplicate of such first order that was in the possession of the person paying the money; and in all other things relative to such new declaration and order, the same regulations shall be observed as are directed with respect to payments under the first declaration and order.

Payments to be  
monthly.  
Sect. 9.

All payments made to the wife or mother, or to the person appointed on the death of such wife, shall be by even monthly payment of twenty-eight days, and not for any part of a month, except in case of the death, discharge, or absence of such petty officer, &c. in which events the sum allotted shall be paid up to the day of the said death, discharge, or absence; and all payments so made shall be deducted from the payment of such petty officer, &c.

Orders for allot-  
ment of pay,  
how long to  
continue.  
Sect. 10.

Every such order of any such petty officer, &c. shall be irrevocable, and continue in force during the whole time that he shall be entitled to wages, in case his wife or mother named therein shall so long live, or while any of his children shall remain under the age of fourteen, or until he shall be discharged, or absent himself from his Majesty's service, unless the same shall be revoked in the manner hereinafter mentioned, or become void by non-claim as after mentioned.

Persons appoint-  
ed on death of  
the wife are to  
receive the wa-  
ges in pers. p.  
Sect. 11.

The wife or mother, or person appointed on the death of the wife, shall appear in person to receive the wages allotted, unless they shall be disabled by bodily infirmity; and such disability

being certified by the minister and church-wardens, or elders of the parish where he or she resides, or by the physician, surgeon, or apothecary, attending her or him, then the money so allotted shall be paid to her on his order in writing, upon producing the original order for payment by such petty officer, &c. and together with the other proper receipt and certificate as aforesaid. 35 Geo. 3. c. 28.

If no demand for payment upon any such original order of payment shall be made for six calendar months from the date when the same shall be signed by the Commissioners of the Navy, then the said order, in the event of the death of the wife, shall become void, and of no effect; and the wages of such petty officer, &c. shall, from the date of the last payment made on such order, be paid to him, or to his executors or administrators, as if he had never granted any such order. Original order of payment becomes void in certain cases. Sect. 28.

If any regulating officer, or any captain or commander of his Majesty's ships, shall unnecessarily delay to transmit to the Commissioners of the Navy the list of such petty officers, &c. who have so allotted part of their wages, or to transmit the said declarations and orders made by such petty officers, &c. every such officer, captain, or commander, shall forfeit 50l.; and such penalty shall be paid to the person prosecuting for the same. Officers not transmitting lists. Sect. 29.

If any Receiver-General of the Land Tax, &c. to whom such order shall be addressed and presented for payment of the sum allotted, shall not then have public money sufficient to answer the same, and shall for that reason delay the payment thereof, such Receiver-General of the Land Tax, &c. shall immediately deliver to the per- Sect. 30.

35 Geo. 3. c. 28. fons demanding payment a note of the cause of his refusal, which shall bear the date when such demand was made and refused, and shall appoint thereon for the payment of such demand some future day, within the space of fourteen days from that day; and if upon complaint being made to the respective Commissioners of the Land Tax, Customs, or Excise, or to the Commissioners of the Navy, it shall appear that such Receiver-General of the Land Tax, &c. hath unnecessarily delayed the payment of such allowance allotted as aforesaid, or that such Receiver-General of the Land Tax, &c. hath directly or indirectly taken any fee or reward, gratuity, discount, or deduction whatsoever, under pretence of re-imbursement of any expence incurred on account of the payment of the said allowance, it shall be lawful for any three or more of the said Commissioners to convict and fine any such offender, under their respective directions, for every such offence, in a sum not exceeding 50*l.* according to the nature and degree of the offence; and the said fine shall be paid to the person prosecuting for the same.

Captains, &c.  
not making re-  
turns.  
Sect. 15.

If any captain or commander in the navy, or any agent of hospitals for sick or wounded seamen, shall neglect to make their returns within a reasonable time, by means whereof any over payment shall be made, in every such case the Commissioners of sick and wounded seamen (as the case may be) are to deduct from the salary or pay of the captain or commander, or agent of hospitals, a sum equal to that which has been overpaid through his neglect.

Revoking allot-  
ments of wages.  
Sect. 16.

If any such petty officer, &c. shall at any time be desirous to revoke the allotment he

has made, it shall be lawful for him so to do, 35 Geo. 3. c. 28. by a writing, under his hand, addressed to the Commissioners of the Navy, and accompanying such his revocation with a certificate from the minister and churchwardens, or elders of the parish where his wife resided at the date of his declaration and order of payment, declaring that, in their opinion, such petty officer, &c. has just and reasonable cause for such his revocation; and if the Commissioners of the Navy, upon receiving such revocation and certificate, shall be satisfied of the reasonableness thereof, they shall immediately give notice thereof to the Treasurer of the Navy, or to the Receiver-General of the Land Tax, &c. to whom the order of payment was addressed, directing him to stop all future payment thereon; and the Treasurer of the Navy, or such Collector of the Land Tax, &c. shall indorse upon the notice of such countermand the date when he receives the same, and shall, within two days after, acknowledge the receipt thereof to the Commissioners of the Navy, and shall not, after receipt of such notice, make any further payment to the wife, but the husband shall thereafter be entitled to the whole of his wages, until he shall make another declaration or order for payment, which he is enabled to do, notwithstanding his having revoked the former.

If the wife of such petty officer, &c. shall desert, or otherwise neglect such child or children, whereby any of them, being under the age of fourteen, shall for one month or more become chargeable upon any parish, it shall be lawful to the minister and churchwardens or elders of such parish to certify the fact to the Commissioners of the Navy, and also their in-

If the wife neglect the children.  
Sect. 17.



25 Geo. 3. c. 28. tention to appoint a proper person to receive and apply to the use of such children that part of the wages which the father had allotted to his wife and children ; and, if the Commissioners of the Navy shall be satisfied with the reasonableness thereof, they shall proceed in the same way and manner to the appointment of a proper person to receive and apply that allotment of wages as if the wife had died ; and from the date of such appointment the wife shall not receive any part thereof.

Petty officers,  
&c. dying.  
Sect. 18.

As soon as it shall appear to the Commissioners of the Navy that any such petty officer, &c. has either died, been dismissed from, or in any other manner quitted the service of his Majesty, the said commissioners shall immediately communicate such intelligence to the persons directed to pay the allotted wages (who are to acknowledge the receipt of such intelligence in two days, on penalty of 20l.), and who are not to pay any more than up to the day of the death, discharge, or absence of such petty officer, &c.

Wife or mother  
dying.  
Sect. 19.

As soon as it shall come to the knowledge of the minister, churchwardens, or elders of any parish, that the wife or mother of such petty officer, &c. is dead, such minister, churchwarden, or elder, shall immediately give notice thereof, by the letter, to the Commissioners of the Navy, or to the Receiver-General of the Land Tax, &c. from whom such wife or mother shall have received the allowance allotted to her ; and such Receiver-General of the Land Tax, &c. shall immediately indorse on such letter the day when he receives the same, and shall forthwith transmit it to the Commissioners of the Navy, and shall not thereafter make any further payment until he

shall receive the further directions of the Commissioners of the Navy thereon. 35 Geo. 3. c. 28.

The receipts taken from such wife or mother, or person appointed on the death of the wife, together with the certificates of the minister and churchwardens or elders, being produced at the Navy Office, shall be immediately assigned for payment by the Commissioners of the Navy, and shall be immediately repaid by the Treasurer of the Navy to such Receiver-General of the Land Tax, &c.

Receiver-Generals, &c. to be repaid by the Commissioners of the Navy. Sect. 20.

Receipts and certificates taken by the Treasurer of the Navy for payments made by him, and all the payments made by him to any Receiver-General of the Land Tax, &c. shall be sufficient vouchers in passing his accounts.

Treasurer's vouchers. Sect. 21.

As soon as any act shall be passed by the Legislature of Ireland, making provision for payments in that country, any petty officer, seaman, or landman, non-commissioned officer of marines, or marine, may desire that such part of his wages which he shall allot for the maintenance of his wife and child or children, or mother, may be paid by any collector of the revenue, or revenue officer in Ireland; and in such case the regulating officer, or the captain, or commander of such ship as aforesaid, as the case may be, in the list he is herein-before directed to make out, is to mark, in a separate column, that such payment is to be made in Ireland, and the address of the revenue officer by whom such payment is to be made; and such regulating officer, or captain, or commander, shall upon the triplicates of such declaration and order of payment address the same to such revenue officer in Ireland;

Payments in Ireland. Sect. 22.

35 Geo. 3. c. 28. and the Commissioners of the Navy, upon receiving such lists, declarations, and orders as aforesaid, shall proceed in manner as before directed for payment made in Great Britain.

Payments in  
Ireland.  
Sect. 23.

On the death of the wife of any petty officer, &c. who resides in Ireland, the same rules, orders, and regulations shall be observed with respect to the appointment of a proper person in Ireland to receive the allotment for the maintenance of the children as are before directed respecting the children of such petty officer, &c. where wives die in Great Britain, except that the triplicate of the appointment of such person shall be transmitted to the Commissioners of the Revenue in Ireland.

Payments in  
Ireland.  
Sect. 24.

The Treasurer of the Navy is to pay to the Commissioners of the Revenue in Ireland, or their order, such sums as they may have paid upon account of wages as before directed, upon their producing the receipts of such wife, mother, or person appointed as before mentioned, and the certificates of the minister and churchwardens, or elders, to the Commissioners of the Navy, they having previously assigned the same for payment.

Payment to  
wife, &c. to be  
without deduc-  
tion.  
Sect. 25.

Every sum of money to be paid to such wife, mother, or person appointed to receive for the use of the children, shall be fully paid without any deduction or abatement, or under the pretence of reimbursement of any expence whatsoever, although part thereof may be in fractions of the smallest denomination; and every person withholding any part, under any pretence whatsoever, shall for every such offence forfeit 20*l.* which shall be paid to the person prosecuting for the same.

Letters from and to the cashiers of the Treasurers of the Navy to be free of postage.

35 Geo. 3 c. 28.  
f. 26.  
Letters post  
free.  
Letters not re-  
lative hereto.  
Sect. 27.

But, if the cashier send under cover any paper no relating to this act, he is to forfeit 100l. for every offence.

The Treasurer or Paymaster of the Navy, &c. may inspect muster-books, &c.

Inspection of  
muster books.  
Sect. 28.

Petty officers, &c. who make allotments of pay are to be borne on the ship's books for the balance only.

Persons allotting  
borne for the  
balance.  
Sect. 29.

Persons forging orders for payment, &c. to suffer death.

Forgery.  
Sect. 30.

The Admiralty to direct the Commissioners of the Navy to deliver to regulating officers and captains forms of declarations and orders of payment; and the Treasurer to cause to be printed and delivered an abstract of the provisions of this act to the Commissioners of the Navy, &c. Admiralty to cause copies of abstracts to be delivered to captains of ships, to be read over with the articles of war, as directed by 32 Geo. 3. c. 17.

Abstracts.  
Sect. 31.

*Abstract of an Act for establishing a more easy and expeditious Method for the punctual and frequent Payment of the Wages and Pay of certain Officers belonging to His Majesty's Navy.*

When an officer is appointed to a ship, he may apply to the Commissioners of his Majesty's Navy for an order from the Treasurer to pay him the arrears of half pay that may be due to him, and, if no imprest stand against him (which in that event they shall certify), he may receive the amount at the Pay-office in London, or by his attorney; and in either case his commission or warrant must be pro-

Officers ap-  
pointed to ships  
may receive  
their half pay.  
35 Geo. 3. c. 24.  
f. 1.

35 Geo. 3. c. 94. duced, together with the certificate of no imprest, and the usual affidavit, and other documents in such cases required.

Three months  
advance of full  
pay.

If the ship to which he is appointed shall be in the River Thames, he may apply to the Commissioners of the Navy, or to the resident commissioner if such ship or vessel shall be at any of the out-ports where a commissioner resides, for an order to enable him to receive three months full pay in advance, which shall be paid by the Treasurer at the Pay-office in London, or by his clerks at any of the out-ports, on producing the said orders, with the certificate of no imprest. If he shall return to half pay before the expiration of three months, an imprest shall be placed against his growing half pay for the amount of the sum so advanced, or such part thereof for which he shall not have served on full pay.

At the expiration of every three, six, or twelve months, or of any longer period as may be thought proper, any commissioned officer, master, or surgeon, may draw bills\* in du-

\* Form of Bill.

First Rate. [Britannia, Lieutenant Thomas Bowling] entered

day of

Full pay, from day of to day of

£.

Amount of deductions,

£.

Nett pay,

£.

Gentlemen,

[Barbadoes,]

day of

Ten days after sight [say second and third bill of this tenor and date not being paid] please to pay to [John Bull,] or Order, the sum of being the nett personal pay due to me as of his Majesty's ship [Britannia,] between day of and day of for value received.

"Approved," [Thomas Bowling.]

I. M. Captain of

To the Commissioners of his Majesty's Navy, London.

plicate or triplicate, as the case may require, upon the Commissioners of the Navy, for the nett amount of pay due to him ; which bills shall specify the rate and name of the ship, the rank of the officer drawing the same, and the full amount of the pay due to him ; also the amount of the usual deductions and abatements to which the same shall be liable, and the nett residue of the pay so to be drawn for : but no commissioned officer, master, or surgeon, shall be permitted to draw for the first three months after he shall have received three months advance.

35 Geo 3. c. 94.

All deductions or abatements required to be made against the pay of officers shall be charged on the ship's books against their personal wages or pay, and not against their compensation pay.

How deductions are to be charged.  
Sect. 4.

Commanders of ships or vessels to subscribe their names to the bills of lieutenants, masters, or surgeons, and also the word "*approved*," in token of their knowledge of their being entitled to draw for such nett amount of personal wages or pay.

Commanders to approve of drafts.  
Sect. 5.

If removed from one ship or vessel to another, they may draw for the whole of the pay due to them to the day of their entering on board the next ship or vessel, provided the time amounts to the space of three months or more.

Officers removed.  
Sect. 6.

Captains and commanders sent to sick quarters, may draw for their personal wages or pay, at the expiration of six weeks from the time of their having been so discharged.

Captains sent to sick quarters.  
Sect. 7.

If any lieutenant, master, or surgeon, shall be discharged to sick quarters, the captain or commander of the ship or vessel which he belonged to, shall cause to be made out and

Lieutenants, masters, or surgeons sent to sick quarters.  
Sect. 8, 9, 10.

35 Geo. 3.c. 94. delivered to him an extract from the ship's books, agreeable to the form annexed \* ; and if he remain at sick quarters for a longer time than six weeks, the physician or surgeon attending him shall certify the same on the back of such extract, at the expiration of that time, agreeable to the annexed form †, and he may then draw bills for his pay to that period, dated from sick quarters. If the ship or vessel he belonged to shall have left the station, any commander of any other ship or vessel may approve his bill, in token of his having seen the extract, and the surgeon's certificate on the back thereof.

Captains removed.  
Sect. 11.

Captains and commanders removed from one ship to another before three months pay shall be due, may draw bills at the expiration of three months from the last payment, which bills shall distinguish the periods they shall have served on board such ships or vessels.

Lieutenants, masters, or surgeons, removed before 3 months pay due.

If any lieutenant, master, or surgeon is removed from one ship or vessel to another, before three months pay shall be due to him, the captain or commander of such ships shall cause

\* Form of Extract from Ship's Books.

First Rate. [Britannia, Lieut. Thomas Bowling,] sent to sick quarters, day of  
Full pay from day of to day of £  
Amount of deduction

£ \_\_\_\_\_

Certified by  
A. B. Captain of

† Form of Physician or Surgeon's Certificate.

These are to certify, that [Lieut. Thomas Bowling,] day of  
His Majesty's ship [the Britannia,] was received into the Hospital, on the  
day of and not being cured, still remains under my care.

C. D. { Physician, } of  
          { Surgeon, }

to be made out a similar extract, as in case of an officer going to sick quarters; and, when he shall have completed the space of three months from the last payment, he may then draw bills, which shall specify the periods he shall have served on board such ships; and the captain or commander of the ship or vessel to which he shall have been so removed, shall subscribe his name and word "*approved*,"

If any officer shall knowingly draw any bill for pay to which he may not be entitled, he shall be cashiered and rendered incapable ever after of serving his Majesty in any civil or military capacity.

Officers drawing when not entitled.

All such bills to be drawn upon the Commissioners of the Navy, shall be payable ten days after sight, and shall be negotiable by indorsement, in the same manner as bills of exchange, and when they shall be presented to the Commissioners of the Navy, together with the extracts from the ship's books and surgeon's certificates, as the case may be, if they shall not see cause against it, they shall assign the same upon the Treasurer of the Navy for payment\*.

\* Form of the Assignment.

No. I.

To be paid by the Treasurer of his Majesty's Navy out of £  
received                      day of                      , under the head of Wages to pay  
Officers.

G. H. }  
J. K. } Commissioners of the Navy.  
L. M. }

By virtue of the act of 35th Geo. III.

N. B. The forging of this bill, or procuring any other person to forge the same, in order to receive any part of the wages or pay of any commissioned officer, master, or surgeon in the royal navy, is made felony without benefit of clergy by the act of 35th Geo. III.



35 Geo. 3. c.28.

f. 16.

Flag-officers.

Flag-officers shall be allowed to include their table-money in any bills they may draw under the authority of this act.

How the accounts are to be kept in the Navy-Office.

Sect. 17, 18.

Two ledgers are to be kept, one by the Commissioners of the Navy, and another by the Treasurer of the Navy, in which an account current is to be opened with every officer who shall receive pay under this act: he shall be charged therein with the amount of the bills which he shall draw, and which shall remain as his debt, until he shall have regularly passed his accounts. When his accounts shall have been passed, the Commissioners of the Navy shall grant three certificates, being triplicates of each other, specifying the amount of wages or personal pay, which he shall have been entitled to for his services; one triplicate of such certificate shall be delivered or transmitted to the officer or his attorney, and the other two triplicates shall be lodged in the offices wherein the ledgers shall be kept, and the amount specified in the same shall be placed to the credit of the officer upon whose account it shall have been made out.

Treasurer of the Navy to pay assignments.

Sect. 19.

The Treasurer of the Navy shall pay all bills assigned upon him by the Commissioners of the Navy, in pursuance of this act.

Half-pay, pensions, or bounties, may be received from revenue-officers, &c.

Sect. 20, 21, 22.

Any commissioned or warrant officer on half-pay, on orders of any commissioned or warrant officer, or other person entitled to receive any pensions, payable by the Treasurer of the Navy, or any widow, parent, or child, of any officer, seaman, or marine, slain in battle against the enemy, who shall be entitled to receive bounty, and shall be desirous to receive such half-pay, pension, or bounty, from any revenue-officer or clerk of the check near the

place of their residence, they may apply (when-  
 ever they shall be entitled to such bounty, or  
 at the period when such half-pay or pension  
 shall be payable, of which due notice will be  
 given in the London Gazette) by letter to the  
 Treasurer of the Navy, to have the same paid  
 to them near the place of their residence as  
 aforesaid, at the same time transmitting the  
 usual affidavits, vouchers, or documents (as  
 the case may be); the Treasurer of the Navy  
 shall thereupon cause a list to be made out and  
 transmitted to the Commissioners of the Navy  
 of those who shall direct him, to make out two  
 remittance bills, being duplicates of each other,  
 and to transmit one to the person to whom it  
 shall be made payable, and the other to the  
 revenue officer or clerk of the check, named  
 by such person, who shall pay the same on  
 production of the duplicate, without fee, re-  
 ward, or deduction, on any pretence whatever,  
 if claimed within six calendar months; such  
 bills, with the duplicates thereof, to be trans-  
 mitted by the person who shall pay the same to  
 the Commissioners of the Navy, who shall  
 assign them for payment, and they shall be im-  
 mediately repaid by the Treasurer of the Navy:  
 but if such bills shall not be claimed within six  
 calendar months, the revenue officer or clerk  
 of the check, shall return them to the Treas-  
 urer of the Navy, to be cancelled, and the  
 amount due upon them will remain due to the  
 party, to be paid upon any future application.

If the revenue officer shall not have money  
 in his hands when such bill is tendered to him,  
 he shall indorse thereon the date of its being  
 so tendered to him, and the cause of his refu-  
 sal to pay the same, and shall appoint another  
 day within the space of one month from the

When revenue-  
 officers, &c. are  
 to pay persons  
 applying to  
 them.

Secl. 23.

35 Geo. 2. c. 28. date of the bill being presented to him ; and if he shall unnecessarily delay the payment, or receive or take any fee, reward, gratuity, discount, or deduction whatsoever, he shall be subject to a fine not exceeding 50*l*.

Infirm persons  
need not apply  
in person.  
Sect. 24.

If the party be disabled by infirmity from applying in person to the revenue officer, to whom the bill is addressed, it shall be paid to their order in writing, on producing a certificate to that effect, from the minister and churchwarden, or elder, or the physician, surgeon, or apothecary attending them, and upon a proper receipt being given on the back of the same, witnessed by the person who receives the money.

When to extend  
to Ireland.  
Sect. 25, 26, 27.

As soon as an act is passed by the legislature of the kingdom of Ireland, extending the provisions of this act to that country, the same indulgencies and advantages will be extended to parties of the same description residing in Ireland.

Payment to be  
without deduc-  
tions.  
Sect. 28.

All bills, &c. hereinbefore directed to be drawn, shall be paid, without any deduction or abatement whatever ; and every person withholding any part thereof, under any pretence whatever, to be fined 20*l*.

Packets sent  
free.  
Sect. 29.

All packets and letters in the execution of this act, shall be sent, postage free, by the person appointed by the Treasurer of the Navy ; and if he shall send any other papers under any pretence whatever, he shall be fined in a penalty of 100*l*. [*Such person, so appointed, shall not receive letters or packets free ; but all such letters and papers on the business of this act, must be addressed in the following words : " To the Treasurer or Paymaster of his Majesty's Navy, London."* ]

Treasurer's  
vouchers.  
Sect. 30.

All orders, bills, remittance-bills, or certificates, paid by the Treasurer of the Navy, shall

be deemed sufficient vouchers on passing his accounts. 33 Geo. 3. c. 28.

All orders, bills, remittance-bills, or certificates, drawn under the authority of this act, and all other bills drawn by the Commissioners of the Navy, Victualling, Sick and Hurt, and Transports, upon the Treasurer of the Navy, under the authority of any other acts, shall thenceforward be free from stamp duty; nor shall any stamp receipt whatever be required for monies paid on the same; but the receipt shall be taken on the back of the instrument by which the money is paid.

Free of stamps.  
Sect. 31, 32.

Remittance-bills or tickets, which by former acts were directed for payment to the receiver-general of the land tax for the city of London, or county of Middlesex, may be directed for payment to the Treasurer of the Navy.

Remittance bills may be paid to the Treasurer of the Navy.  
Sect. 33.

The forging of any bill, certificate, or extract, drawn under the authority of this act, shall be punishable with death.

Forging.  
Sect. 34.

The Commissioners of the Navy shall issue sufficient quantities of blank bills, &c. with instructions relative to the same, to all captains and commanders in the navy and to all other persons to whom the same shall be necessary; and the Treasurer of the Navy shall cause an abstract of this act to be printed, and a competent number of copies to be sent to the Commissioners of the Navy, the Commissioners of the Customs and Excise, in England or Scotland, and to the clerks of the check in the different dock-yards, who are to affix the same in some conspicuous part of their offices; and the Lords of the Admiralty are to cause a competent number of the same to be delivered to the captain or commander of every vessel in the service of his Majesty.

Abstracts, &c.  
Sect. 35.

By the 37th Geo. III. c. 53. relative to the increase of allotment of the pay of petty officers, seamen, &c. for the maintenance of their wives and families, the directions of the 35th Geo. III. c. 28. are still continued; but the proportions allotted are altered, and are to be calculated according to the following table.

## A T A B L E,

Shewing the Allowance to be granted by Allotment, calculated according to the Rates of Pay *per* Month.

| PAY.              |    |    | ALLOWANCE,      |    |                  |                   |    |    |
|-------------------|----|----|-----------------|----|------------------|-------------------|----|----|
| <i>Per</i> Month. |    |    | <i>Per</i> Day. |    |                  | <i>Per</i> Month. |    |    |
| £.                | s. | d. | £.              | s. | d.               | £.                | s. | d. |
| 5                 | 0  | 0  | 0               | 1  | 9                | 2                 | 9  | 0  |
| 4                 | 15 | 6  | 0               | 1  | 8                | 2                 | 6  | 8  |
| 4                 | 10 | 0  | 0               | 1  | 7                | 2                 | 4  | 4  |
| 4                 | 5  | 6  | 0               | 1  | 6                | 2                 | 2  | 0  |
| 3                 | 15 | 6  | 0               | 1  | 4                | 1                 | 17 | 4  |
| 3                 | 11 | 6  | 0               | 1  | 3                | 1                 | 15 | 0  |
| 3                 | 5  | 6  | 0               | 1  | 2                | 1                 | 12 | 8  |
| 3                 | 1  | 8  | 0               | 1  | 1                | 1                 | 10 | 4  |
| 2                 | 19 | 6  | 0               | 1  | 0 $\frac{1}{2}$  | 1                 | 9  | 2  |
| 2                 | 17 | 6  | 0               | 1  | 0                | 1                 | 8  | 0  |
| 2                 | 15 | 6  | 0               | 0  | 11 $\frac{1}{2}$ | 1                 | 6  | 10 |
| 2                 | 13 | 4  | 0               | 0  | 11               | 1                 | 5  | 8  |
| 2                 | 10 | 6  | 0               | 0  | 10 $\frac{1}{2}$ | 1                 | 4  | 6  |
| 2                 | 7  | 6  | 0               | 0  | 10               | 1                 | 3  | 4  |
| 2                 | 5  | 6  | 0               | 0  | 9 $\frac{1}{2}$  | 1                 | 2  | 2  |
| 2                 | 2  | 6  | 0               | 0  | 9                | 1                 | 1  | 0  |
| 2                 | 1  | 6  | 0               | 0  | 8 $\frac{1}{2}$  | 0                 | 19 | 10 |
| 2                 | 0  | 6  |                 |    |                  |                   |    |    |
| 1                 | 19 | 6  | 0               | 0  | 8                | 0                 | 18 | 8  |
| 1                 | 19 | 3  |                 |    |                  |                   |    |    |
| 1                 | 17 | 6  | 0               | 0  | 8                | 0                 | 18 | 8  |
| 1                 | 15 | 6  | 0               | 0  | 7 $\frac{1}{2}$  | 0                 | 17 | 6  |
| 1                 | 13 | 6  | 0               | 0  | 7                | 0                 | 16 | 4  |
| 1                 | 11 | 6  | 0               | 0  | 6 $\frac{1}{2}$  | 0                 | 15 | 2  |
| 1                 | 10 | 6  |                 |    |                  |                   |    |    |
| 1                 | 9  | 6  | 0               | 0  | 6                | 0                 | 14 | 0  |
| 1                 | 3  | 6  | 0               | 0  | 5                | 0                 | 11 | 8  |
| 1                 | 2  | 6  | 0               | 0  | 4 $\frac{1}{2}$  | 0                 | 10 | 6  |
| 0                 | 19 | 3  | 0               | 0  | 4                | 0                 | 9  | 4  |
| 0                 | 14 | 0  | 0               | 0  | 3                | 0                 | 7  | 0  |

## Seamen—Merchant Service.

**T**HE various obstructions to navigation, commerce, and trade, for the want of regulations relative to seamen in the merchant service, and the numerous abuses committed by seamen who had engaged to perform certain voyages, and after being so engaged frequently deserted, and brought actions to recover their wages, although they had never performed those voyages for which such wages were to be paid; and the great difficulties and expences sustained by merchants from the practice, then too prevalent, of seamen, after having in part performed the voyage, and afterwards quitting their ships in foreign parts, in consequence of which such ships were detained for want of hands; all these evils, so detrimental to trade and navigation, and consequently essentially destructive to the welfare of the state, induced the Legislature to pass an act, entitled, “An Act for the better Regulation and Government of Seamen in the Merchant Service.” By this act every seaman is bound to enter into an agreement in writing, for the due performance of his contract; and various other regulations were also made by this and subsequent acts, reciprocally for the benefit of the seaman and his employers—a fund is also provided for the support of decayed seamen in the merchant service, and every merchant seaman, who shall be wounded in defending his ship against the enemy, is equally entitled with seamen of the Royal Navy, to the benefit of Greenwich Hospital.

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Agreements between masters of ships and 2 Geo. 2. c. 36.  
mariners for wages to be made in writing, on  
pain of forfeiture of 5*l.* for each mariner.

2 Geo. 2. c. 36.

s. 2.

Agreements in writing to be entered into within three days after entering.

All seamen or mariners, entering on board any merchant ship or vessel, on any intended voyage for parts beyond the seas, shall be obliged to sign such agreement or contract within three days after they shall have entered; which agreement shall be conclusive after the signing to all parties during the times so agreed or contracted for.

Secl. 3.

Mariners deserting after signing such contract or agreement, to forfeit their wages.

Secl. 4.

Justices of the peace may commit mariners so deserting to the house of correction.

Secl. 5.

If any seaman or mariner shall absent himself from the ship or vessel to which he belongs, without leave from the master or commander of such vessel or other chief officer, having the charge thereof, such seaman or mariner shall for every such day's service forfeit two days pay to the use of Greenwich Hospital.

Seamen deserting without receiving a discharge in writing, to forfeit 3 months pay.

Secl. 6.

In case any seaman or mariner, not entering into the service of his Majesty, shall leave such ship to which he shall belong, before he shall have a discharge in writing from the master, or other person having charge of the ship, such mariner, so quitting his ship, shall forfeit one month's pay.

Wages to be paid within 30 days after entry of ship at the Custom-House.

Secl. 7.

Upon the arrival of any ship or vessel into Great Britain from parts beyond the seas, the masters or commanders of such ships are obliged to pay the seamen and mariners on board their wages, if demanded, in thirty days after the said ships or vessels have entered at the Custom-House, (except in cases where a covenant shall be entered into to the contrary), or at the time the said seamen and mariners shall be discharged, which shall first happen, if demanded, deducting out of such wages the

penalties and forfeitures by this act imposed, 2 Geo. 2. c. 36.  
under the penalty of paying to each seaman or  
mariner so unpaid, twenty shillings, over and  
above the wages due.

No seaman or mariner, signing such contract, shall be deprived of or hindered from using any means for the recovery of wages against any ship, or the master, or owners thereof, which he may now lawfully make use of; and in all cases where it shall be necessary that the contract or agreement shall be produced in court, the master or owners of the ship for which the wages shall be demanded, shall produce the same; and no seaman or mariner shall fail in any suit, action, or process for recovery of wages for want of such contract or agreement being produced. Agreement to be produced by the master or owners of the vessel. Sect. 8.

Masters to deduct out of wages all penalties to Greenwich Hospital, to be paid and accounted for to the same officer at any port or place who collects the sixpence per month, which officer is empowered to administer an oath to every commander or master respectively, touching the truth of such penalties and forfeitures. Sixpence per month to be deducted out of the wages. Sect. 9.

All forfeitures incurred and appropriated to Greenwich Hospital, to be paid within three months. Sect. 10.

Nothing in this act contained shall extend, or be construed to extend, to debar any seaman or mariner belonging to any merchant ship or vessel, from entering, or being entered into the service of his Majesty; nor shall such seaman or mariner, for such entry forfeit the wages due to him, during the time of his service in such merchant ship or vessel; nor shall such entry be deemed a desertion\*. This act not to debar seamen from entering into the king's service. Sect. 13.

\* Made perpetual by 2 Geo. 3. c. 31. and extended to America.



8 Geo. 2. c. 29. Every seaman on board a merchant ship, and who shall be maimed in fight against any pirate, or against any enemy of his Majesty, shall be provided for in Greenwich Hospital.

20 Geo. 2. c. 38. A society is appointed and incorporated by the name of, *The President and Governors for the Relief and Support of sick, maimed, and disabled Seamen, and of the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service.*

Governors of the corporation to make allowance to seamen maimed, and the widows and children of those slain.  
Sect. 2.

The president and governors of the said corporation, are authorized and empowered, to provide in such hospital for the reception of such seamen as shall be rendered incapable of present or future service, by sickness, wounds, or other accidental misfortunes, and those who shall become decrepid, or worn out by age ; or shall provide for such seamen by allowing them certain pensions, or otherwise, as shall appear most for the advantage of the charity ; and also to relieve the widows and children of such seamen as shall be killed, slain, or wounded in the said service ; and to make reasonable allowances to those who shall lose an eye or a limb, or be otherwise hurt or maimed, in fighting, defending, or working the ship in which they respectively serve, or in loading or unloading the cargoes thereof, or otherwise howsoever, in doing their duty in the said service, in proportion to the damage or hurt they shall respectively receive.

Sect. 3.

Seamen, and widows, and children, to be entitled to the benefits of the hospital, to produce certificates of their hurt, &c.

No seaman shall be provided for by pension, or otherwise, as decrepid or worn out, unless such seaman shall have served in the merchant

service for the space of five years; and contributed sixpence per month, out of his wages for that time, to be applied to the purposes of this act. 10 Geo. 2. c. 32.

Persons forging certificates to be incapable of receiving any of the benefits of this act, and to be punished as incorrigible rogues. Sec. 4.

Every seaman and master of a vessel to pay sixpence per month to this hospital, and masters of ships may deduct the same out of the wages of such seamen. Sec. 17, 18.

Masters of merchant ships to keep a muster-roll, upon which the name of such master, and the christian and surnames of all the officers and mariners on board shall be entered, and deliver a duplicate to the collector of the customs of the port to which such vessel shall belong; the original muster-roll to be kept during the voyage.

Every master, commander, or owner of any merchant ship, or any other private ship or vessel, navigating the same, or such other person who shall have the care thereof, shall keep a book by way of muster-roll, in which shall be entered his own christian name and surname, and the christian name and surnames of all the officers, seamen, or other persons employed in such ship or vessel, with the usual place of their abode when on shore; and over against each name the time when and place where such seaman or other person entered into the service of such ship or vessel; and in what ship or vessel he performed his last voyage; a duplicate whereof shall be signed by the said master, &c. and delivered before the departure of such ship or vessel, to the receiver or collector of the said duties at the respective port to which such ship

Masters of ships to keep a muster-roll, and deliver duplicates to the collectors, &c.  
Sec. 20.

20 Geo. 2. c. 38.

Muster roll to  
be kept during  
the voyage.

Duplicate to be  
signed and de-  
livered to the  
collector.

Copies to be  
filed, and the  
originals trans-  
mitted to the  
governors.

or vessel belongs : which said book or muster-roll shall be kept during the whole course of the voyage by the said master, who shall from time to time enter therein, when and where any such master, officers, seamen, or other person, shall be discharged from, or shall leave or desert such ship or vessel ; and when and where any other officers or men shall be shipped on board, describing them in the like manner as the persons who first entered on board ; and when and where any of them received any hurt or damage, or were killed, slain, or drowned : a duplicate of which continuation of the muster-roll shall be likewise signed by the master, and delivered, at the return of the ship to the receiver or collector of the said duties at the respective port to which such ship or vessel does belong : and true copies of the said duplicates shall be made by such receiver or collector, which shall be filed and kept by him ; and the original duplicates shall be transmitted by such receiver or collector to the president and governors aforesaid, to be filed and kept ; and masters, &c. neglecting or refusing to deliver such duplicates, and receivers or collectors neglecting or refusing to file and transmit the same, to forfeit 20l.

Stat. 17.

Collectors and receivers of the customs may examine masters of vessels upon oath ; and masters or commanders, or (in their absence) such owners, as shall neglect or refuse to appear when so summoned, or appearing and refusing to answer upon oath, shall, for every such refusal, forfeit 20l.

Stat. 22.

Secretaries or chief clerks of the navy, victualling, ordnance, customs, post-office, or other public offices in his Majesty's service,

usually having or employing ships or vessels in the service of his Majesty, shall deliver lists of the ships, and crews so hired to the collector. 20 Geo. 2. c. 38.

Masters of merchantmen to pay the sixpence per month to the collector of the port to which such ship belongs : and no ship to go out of port until the master of such ship or vessel shall produce an acquittance or certificate, signed by the said receiver or collector of the said duties, whereby it shall appear that the said duties are fully paid and discharged ; and masters, &c. refusing or neglecting to pay the said duties within the time limited, shall for every such refusal or neglect forfeit the sum of 20l. Sect. 23.

In case the master, commander, or owner of any ship or vessel shall not produce such acquittance or certificate to the tide surveyor when he shall come on board in order to clear such ship or vessel, the tide-waiters on board such ship or vessel shall be continued, until such acquittance or certificate is produced, at the expence of such owner, master, or commander, and not at the expence of the crown. Sect. 24.

Trustees are appointed at the out-ports for receiving the sixpence per month from masters of ships, or seamen employed by owners residing in the out-ports. Sect. 27.

Merchants, adventurers of Bristol, and the Trinity-House of Kingston-upon-Hull, are appointed trustees at each of these ports respectively. Sect. 28, 29.

Collectors of the out-ports to send muster-rolls to the trustees there. Sect. 30.

Seamen not paying the said duty of sixpence per month, not to be benefited by virtue of this act. Sect. 31.

20 Geo. 2. c. 32.  
§. 32.

Those seamen who have served longest to be first provided for.

Maimed seamen  
to be provided  
for till removed  
to the port  
where the vessel  
belongs, and al-  
lowed 2d. per  
mile.  
Stat. 33.

The said president and governors at the port of London, and the respective trustees for the out-ports, are to provide proper relief for seamen, &c. hurt or maimed on board merchant ships until they shall be so well recovered of such hurt or damage as to be removed and sent with safety to the respective port to which such ship or vessel shall belong; and the expence of removing and sending such seaman or other person to such respective port, not exceeding two-pence per mile, shall be paid by the said president and governors at the port of London, or by the trustees for the respective out-port to which such seaman or other person shall be so removed and sent.

Stat. 34.

Disabled seamen, having served and paid five years, who shall be adjudged proper objects of relief, shall be provided for and relieved at the respective port where they shall have contributed, and paid the greatest part of the said duty of sixpence per month for the last five years of their service.

Stat. 35.

Seamen shipwrecked, or made prisoners may be relieved in any manner the governors, trustees, &c. may think proper.

Stat. 36.

Where regular certificates cannot be had, such other certificates as shall be satisfactory to the said president and governors, or trustees respectively, shall be received and allowed, to entitle the party producing the same to the pensions, or other relief provided by this act.

Stat. 37.

Masters and seamen in the East India Company's service are exempt from the payment of

the sixpence per month; seamen's widows, 20 Geo. 2. c. 38. children, &c. of killed, slain, or drowned in their service, being provided for by a sufficient fund established for that purpose by the Company, are excluded from the benefit of this act.

The remaining sections of this act relate to the application and recovery of penalties.

The above act made perpetual, and the provisions thereof extended to his Majesty's colonies in America. 2 Geo. 3. c. 31.

## Smugglers—Smuggling and Running Goods.

THE various acts of parliament which have been passed, more particularly during the present Administration, have been so judiciously applied, that very few of those practices formerly and successfully carried on, for defrauding the revenue, can be now effectual. The laws relative to the registering of ships, boats, &c. abstracted in another part of this work, possess the double advantages of ascertaining the state of shipping, and the number of seamen which could be called forth upon an emergency, and also preventing, or more surely convicting persons guilty of defrauding the revenue, and otherwise; by these regulations, to which must be added, the vigilance of officers, the lowering the duties, &c. smuggling may now be considered as nearly annihilated.

5 Geo. 3. c. 11.  
s. 1.

Rum imported  
in casks of less  
than 20 gallons  
to be forfeited.

7 Geo. 3. c. 35.

Rum imported in casks under 20 gallons shall be forfeited, unless it shall be made appear, to the satisfaction of the principal officers of the customs at the port of importation, that such rum was for the use of the master or seamen belonging to the ship.

Foreign goods  
taken in at sea  
to be forfeited.  
Sect. 3.

Foreign goods, taken in at sea, by any collier, fishing-boat, or other coasting vessel, out of any ship or vessel whatever, in order to be landed, or put into another ship or vessel, without payment of the customs and duties, such goods shall be forfeited, and the master shall forfeit the value, unless the goods have been taken on board in case of necessity.

Sect. 4.

All goods not reported, and found on board after clearing the ship by the proper officers of the customs, shall be forfeited.

If the master or other person taking charge of a ship or vessel, shall suffer any brandy or other prohibited goods to be put out of his ship into any vessel, hoy, or lighter, or shall receive on board any wool, wool-flock, fuller's earth, or tobacco-pipe clay, for exportation, he shall, besides the existing penalties, suffer six months imprisonment without bail or mainprize.

8 Geo. 1. c. 21. f. 32.  
Persons taking on board prohibited goods, shall, besides penalties, suffer 6 months imprisonment.

The rule of measuring ships laden with brandy or other spirits as aforesaid, and hovering on the coast, is by taking the length of the keel within board, and the breadth within board, by the midship beam, from plank to plank, and half the breadth for the depth; then multiply the length by the breadth, and that product by the depth, and divide the whole by 94, the quotient will give the true contents of the tonnage.

Rule for admeasurement of tonnage.  
Sect. 33.

Persons assembled to the number of eight or more, hindering forcibly, or wounding officers of the customs in the execution of their duty, to be transported for seven years.

Obstructing officers of the customs.  
Sect. 34.

Any offender, discovering his accomplices within two months after the offence, so as two of them may be convicted, shall have 40l. for each, and be discharged of his offence.

Reward for offenders, discovering their accomplices.  
Sect. 36.

Other persons discovering offenders within three months, to have 40l. for each offender convicted; to be paid by the receiver-general of the customs, on certificate of the judge who tried the offenders.

Rewards to other persons.  
Sect. 37. 38.

After the seizure and condemnation of all such ships, vessels, or boats, the principal officers of the customs shall cause their hulls to be burnt, and the tackle, furniture, &c. to be publicly sold to the best advantage\*.

Ships condemned, &c. to be burned.  
8 Geo. 1. c. 18. f. 2.

\* But see 12 Geo. 1. c. 28. f. 14. and 33 Geo. 2. c. 9. f. 16.



8 Geo. 1. c. 18.  
Boats rowing  
with more than  
four oars, to be  
forfeited and  
burnt.  
Sect. 3.

Boats made or built to row with more than four oars, and found upon the water, or in any barge-house, work-house, &c. within any of the counties of Middlesex, Surry, Kent, or Essex, or in the river of Thames, or within the limits of the ports of London, Sandwich, or Ipswich, such boat, &c. shall be forfeited, and the owner, or any person using or rowing the same, shall forfeit 40l. and such boat, after condemnation, to be burnt, and wholly destroyed.

Sect. 4.

This act not construed to extend to barges of the royal family, ship-boats, and boats licensed by the admiralty.

9 Geo. 2. c. 35.  
1. 7.

Any person liable to transportation for such offences, and that shall receive the benefit of this act, and shall afterwards commit any of the said offences, he shall suffer death.

Persons not en-  
titled to the  
benefit of this  
act.  
Sect. 8.

Persons neglecting to pay composition for offences, excepted from any benefit of this act; also all seizures, and money due for the entry of goods unlawfully imported, and on bonds for goods imported, bonds given by officers of the customs or excise, debts on debentures fraudulently obtained.

Three or more  
persons assem-  
bled with offen-  
sive weapons,  
&c. forungoods,  
to be transport-  
ed for 7 years.  
Sect. 10.

On information, that three or more persons are assembled with offensive weapons, to run goods, &c. to the hindrance of the officers of the customs and excise, in their duty, a justice may grant his warrant to any constable for apprehending the offenders; and if on examination he sees cause, may commit them to the county gaol; on conviction they shall be transported for seven years as felons; and any such offender, returning before the expiration of the said term to Great Britain or Ireland, shall suffer death.

Reward of 50*l.* for apprehending such offenders ; and a further reward of 50*l.* to any person maimed in apprehending, or to the executors of any person killed, on certificate of the judge of the assize, or two next justices.

9 Geo. 2 c. 35.  
Rewards for apprehending offenders.  
Sect. 11.

Offenders discovering two accomplices before conviction, to the commissioners of the customs or excise, so as to be convicted, to be discharged, and entitled to the reward of 50*l.*

Offenders discovering two accomplices entitled to reward.  
Sect. 12.

Two or more persons, found passing within five miles of the sea, with one or more horses, and carts, having more than six pounds of tea, five gallons of spirits, or any other foreign goods to the value of 30*l.* not having paid duty, and without a permit, or bearing offensive arms, or being masked, or forcibly obstructing any officers of the customs or excise, deemed runners of foreign goods, within 8 Geo. 1. c. 18. and to be transported for seven years ; the proof of entry and payment of duties, to lie on the persons found with the goods.

What persons to be deemed runners of foreign goods.  
Sect. 13.

Goods found so carrying together with the weapons, furniture, horses, and carriages, forfeited.

Sect. 14.

A reward of 50*l.* over and above other rewards shall be given to any person maimed or dangerously wounded, in apprehending such offenders, or to the executor of a person killed, on certificate of the judge of assize, or two next justices.

Additional rewards of 50*l.* to persons maimed, &c.  
Sect. 15.

Persons discovering their accomplices within three months after the offence, entitled to 50*l.* for each offender convicted, over and above the other rewards, to be paid by the receivers general of the customs and excise ; on disputes the commissioners to adjust the shares.

Additional reward to persons discovering their accomplices.  
Sect. 16, 17.

9 Geo. 2. c. 35.  
Punishment of  
persons lurking  
with intent to  
assist in running  
goods.  
Sect. 18.

Persons lurking within five miles of the sea, or a navigable river, with intent to assist in running goods, and not giving account of themselves to a justice, to be sent to the house of correction, whipped, and kept to hard labour, not exceeding a month, and the informer to have 20s. for each offender from the commissioners of the customs and excise respectively.

Persons desiring  
time to make  
defence, not to  
be committed.  
Sect. 19.

If any person so apprehended shall desire time to make his defence, he is not to be punished by whipping, or other correction, but committed till he makes proof, or gives security not to be guilty of the like offence.

Tea, brandy,  
&c. offered to  
sale without  
permit, may be  
seized.  
Sect. 20.

Any person offering tea, brandy, &c. to sale, without a permit, or any hawker, &c. offering to sale, tea, brandy, &c. with or without a permit, the person to whom offered, may seize or carry it to the next warehouse for customs or excise, and bring the seller to a justice to be committed. The seizer may prosecute, and be entitled to a third of the produce; and the commissioners of customs or excise may advance one shilling for every pound of tea or gallon of spirits; to be replaced out of the produce of the sale.

Treble value to  
be forfeited by  
persons convicted  
of having  
run goods in  
their custody.  
Sect. 21.

Treble value forfeited by a person convicted before a justice of carrying or having the custody of prohibited or run goods; half to the informer, and half to the poor of the parish; in default of distress the offender to be committed and whipped, and kept to hard labour not exceeding three months.

Ships from abroad, having  
6 lb. of Tea, or  
foreign brandy  
in casks under

Ships from abroad having six pounds of tea, or foreign brandy in casks under 60 gallons, (except for the use of the seamen, not exceed-

60 gallons, at anchor, or hovering, such goods to be forfeited; or if under 100 tons the ship to be forfeited 9 Geo. 2. c. 35. s. 22. 5 Geo. 3. c. 43. s. 5.

ing two gallons a man), found at anchor or hovering within the limits of any ports, or within two leagues of the shore, and not proceeding on their voyage ; except in case of necessity, of which notice is to be given to the principal officer of the port ; all such tea and brandy forfeited, with the packages, whether bulk be broken or not \*.

9 Geo. 2. c. 35.  
f. 22.  
5 Geo. 3. c. 43.  
f. 5.  
Sect. 27.

Foreign goods, being taken out of a ship within four leagues of the coast, without paying duty, (unless in case of necessity, of which notice to be given to the principal officer of the port,) are forfeited, and the master forfeits treble the value ; and the vessel into which they are put, if not above 100 tons, is forfeited.

Foreign goods taken out of ships within 4 leagues of the coast, without paying duty, to be forfeited.  
9 Geo. 2. c. 35.  
f. 23.

Any person attempting to bribe any officer of the customs or excise to connivance, shall forfeit 50l.

Sect. 24.

All penalties and forfeitures incurred by this act to be applied, half to the crown and half to the informer or prosecutor, and to be recovered in any court at Westminster, or in the exchequer at Edinburgh.

Application and recovery of penalties.  
Sect. 25.

All goods found concealed in any ship after the master's report at the custom-house, forfeited, and may be seized ; and the master, being privy to the concealment, to forfeit treble the value.

Goods found concealed, &c. forfeited.  
Sect. 27.

Persons forcibly obstructing or beating officers of the customs or excise on ship board, when in the execution of their duty, to be transported for seven years.

Persons obstructing officers when on board, to be transported.  
Sect. 28.

\* Or having 20 lb. of coffee, 5 Geo. 3. c. 43. f. 38. The ship is forfeited if under 50 tons, by 3 Geo. 3. c. 22. f. 5. or if under 100 tons, for importing spirits, 5 Geo. 3. c. 43. f. 27.

9 Geo. 2. c. 35.  
Officers may  
search ships.  
Sect. 29.

Any officer of the customs or excise, producing his deputation, if required, may go on board any coasting vessel in any port, and search the ship, and continue on board while the ship stays in port.

Any person obstructing such officer, shall forfeit 100l.

Penalty upon  
persons know-  
ingly harbouring  
offenders to the  
prejudice of the  
revenue.  
Sect. 30, 31.

The penalty of 100l. shall be incurred, with incapacity to have a license, by alehouse-keepers knowingly harbouring persons against whom process has issued for offences to the prejudice of the revenue, and the sheriff has returned that they cannot be found, or harbouring persons who have been in prison for such offences and escaped, or have been convicted and fled, provided six days notice has been given that the person so harboured has absconded, in two successive Gazettes, and by a writing on the church-door where he last dwelt.

Special warrants  
to be granted to  
such persons as  
the solicitor of  
customs desires,  
to apprehend of-  
fenders.  
Sect. 32.

Sheriffs, &c. on request in writing by a known solicitor for the customs or excise, are to grant special warrants to such persons as such solicitor desires, to apprehend offenders; in default such sheriff, &c. liable to process of contempt, and penalties as for neglecting to execute the process.

Sheriffs, &c. in-  
demnified from  
escapes until  
offender com-  
mitted.  
Sect. 33.

Sheriffs, mayors, or bailiffs, granting special warrants for apprehending offenders, indemnified from escapes till the offender is committed to gaol, or tendered to the gaoler, who is to give a receipt for him.

Officers may op-  
pose force to  
force, and if they  
maim or kill  
may be bailed.  
Sect. 35.

If any person, passing with prohibited or uncustomed goods, and armed with offensive weapons, resist any officers of customs or excise, such officers may oppose force to force, and if they wound or kill, they may plead the

general issue, and are liable to be bailed by any justice. 9 Geo. 2. c. 35.

Nothing in this act is to be construed to extend to any person prosecuted by the East India Company. Sect. 36.

Courts of king's bench or justiciary in Scotland, not restrained from bailing persons committed for felony by this act. Courts of king's bench, &c. not restrained from bailing, &c. Sect. 38.

Three persons or more assembled with fire arms or other offensive weapons, to assist in exporting, or carrying for exportation, wool, or goods prohibited to be exported, or in running prohibited or uncustomed goods, or goods liable to any duties not then paid, or in re-landing goods shipped upon debenture, or in rescuing them after seizure, or in rescuing persons apprehended for any felony by the laws of customs or excise, or in preventing the apprehending of such persons, or being so assisting, to the number of three, or being disguised when passing with such goods, or forcibly resisting officers of the customs or excise, or other revenue, in seizing such goods, or dangerously wounding an officer in going on board, or when on board a ship, in the execution of his office, is guilty of felony, without clergy. 19 Geo. 2. c. 34. f. 1.

Information on oath of such offender before a judge of the king's bench in England, or justiciary in Scotland, or justice of peace, to be certified to one of the secretaries of state, who is to lay it before the council; and the council may order the offender to surrender within forty days after the first publication thereof in the Gazette, to a judge, &c. who is to commit him to answer the offence. The order of the council to be published in two Gazettes successively, and transmitted to the sheriff of Offenders not surrendering to be proclaimed, and after being proclaimed, and not surrendering, to be attainted of felony, without clergy. Sect. 2.

29 Geo. 2. c. 34. the county where such offence was committed ; who is to proclaim it in the market places of two towns, near where the offence was committed, on two market days, between ten and two o'clock, and affix a copy of it in the said towns, within fourteen days after he receives it. And the offender not surrendering, or escaping after surrender, to be attainted of felony without clergy.

Harbouring  
offenders.  
Sect. 3.

Persons harbouring such offender after the time appointed for surrender, to be transported for seven years.

Offenders may  
be proceeded  
against in the  
ordinary courts.  
Sect. 4.

Magistrates may nevertheless proceed against offenders in the ordinary courts ; and upon their being taken before the time for surrendering is expired, no further proceedings to be had on the order of council.

Sect. 5.

No corruption of blood, loss of dower, or forfeiture of lands, for these felonies.

Such offences may be tried in any county.

Officers wound-  
ed, &c. to be  
recompensed by  
the hundred.  
Sect. 6.

The hundred to make amends to officers wounded, &c. in seizing goods or apprehending offenders, viz. if killed, to pay 100l. to his executors, &c. or if beat or wounded, damages not exceeding 40l. or for the loss of goods, not above 200l.

How persons  
entitled to  
damages.  
Sect. 7.

No person shall recover damages by virtue of this act, for such beating, wounding, &c. unless he shall give notice in four days to two inhabitants of some town or village near the place where the fact was committed, and an examination taken on oath before a justice within eight days ; and if the offender be known, the informer to be bound by recognizance to prosecute.

Should the offender be convicted within fix months, the hundred is discharged from paying the 100l. &c. 19 Geo. 2. c. 34. l. 8.

Action against the hundred to be commenced within a year. Secl. 9.

Five hundred pounds reward to be paid for apprehending such an offender, who has not surrendered, by the commissioners of the customs or excise. Offender not ordered to surrender, discovering others who are ordered to surrender, discharged, and to have a share of the reward. Persons wounded in apprehending offenders to be paid 50l. extraordinary; and the executors of a person killed 100l. Rewards to be paid for apprehending offenders, &c. Secl. 10.

Offender not ordered to surrender, discovering two accomplices, so as they be convicted, to have 50l. and be discharged. Secl. 11.

Court of king's bench or justiciary, or any of the judges thereof, not restrained from bailing persons committed for these felonies, and convicted thereof. Persons convicted on these felonies may be bailed. Secl. 12.

Smugglers before the 24th of June 1746, indemnified if they entered on board the fleet before the 29th September 1746, and served a year. Smugglers, how indemnified. Secl. 13.

But on offending again, deprived of that indemnity. Secl. 14.

Five hundred pounds penalty on an officer of the navy, making a false muster, or certificate, and suffering such persons to avoid actual service. Penalty on false musters. Secl. 15.

On trial of any information by an officer on account of any seizure, if a verdict be found for the claimer, and it appears there was a probable cause of seizure, the judge is to certify it on the record, and the defendant (or claimer) not No costs allowed if probable cause of seizure. Secl. 16.



19 Geo. 2. c. 34. to have costs. In actions, &c. against officers, &c. for seizures, if verdict be found for the plaintiff, and the judge certify that there was probable cause of seizure, the plaintiff, besides his goods, is to recover but two-pence damages, and no costs; or defendant to be fined only one shilling.

Smugglers, in what cases indemnified. 30 Geo. 2. c. 29. Smugglers indemnified from offences committed before the first of May 1757, provided before prosecution, and before the first of December, they registered their names with the clerk of the peace, and entered and served in the fleet for three years.

Secl. 2. Committing the like offences again, or deserting, subject to prosecutions for the former, as well as the new offence.

Penalty on false musters. Secl. 3. Five hundred pounds penalty on officers of the navy, suffering such persons to avoid actual service, and the indemnity is forfeited.

Secl. 4. Persons making such entry with the clerk of the peace, or taking the benefit of this act, disabled from bringing actions against the king's officers, &c.

Persons serving in the fleet for three years, not to be prosecuted, &c. Secl. 5. No person entering himself to serve in the fleet for the term of three years in pursuance of this act, shall, during such term, (unless he shall desert in that time), be liable to be apprehended, or imprisoned, or prosecuted in any manner whatsoever, on account of any of the offences released by this act.

5 Geo. 3. c. 43. l. 38. Ships under 50 tons from abroad, hovering on the coast, and having 20 pounds of coffee, or goods liable to forfeiture, shall be seized and confiscated.

Ships or vessels found at anchor, or hovering within four leagues of the coasts, (unless by distress of weather), having on board foreign spirits in any vessel or cask which shall not contain sixty gallons at least, or having on board any wine in casks. (provided such vessel, having wine on board, shall not exceed 60 tons burthen), or six pounds weight of tea, or twenty pounds weight of coffee, or any goods whatever liable to forfeiture upon importation, then such goods, with the ship and furniture, shall be forfeited; spirits for the use of seamen, not exceeding two gallons per man, excepted.

24 Geo. 3. c. 47. f. 1.  
Ships hovering within four leagues of the coast liable to forfeiture.

On proof that such small quantities were on board, without the privity of the owner or master, such vessel shall not be forfeited, if more than 100 tons burthen.

Sect. 2.

All vessels of the following description, belonging, in the whole or in part, to British subjects, found within four leagues of the coast, together with the goods laden on board, furniture, &c. shall be forfeited, viz. cutters, luggers, shallops, or wherries, (of what built soever), and all vessels of any other description, whose bottoms are clench work (unless square-rigged, or fitted as sloops with standing bowsprits), and all vessels the length whereof is greater than in the proportion of three feet and an half to one foot in breadth, and likewise all vessels armed for resistance.

What description of vessels shall be forfeited.

Sect. 4<sup>o</sup>.

Vessels arriving from Russia shall not be forfeited on account of their built, or having on board arms or ammunition †.

Sect. 6.

\* See also 24 Geo. 3. c. 47. f. 25. and 27 Geo. 3. c. 33. f. 1. p. 255. and 257 of this work.

† For what description of vessels shall not be forfeited on account of their built, see Hovvking Act, 24 Geo. 3. c. 47.

24 Geo 3 c. 47.

Persons maliciously shooting at any boat belonging to his Majesty, to suffer death as felons.

Secl. 11.

Any person maliciously shooting at any ship, vessel, or boat, belonging to his Majesty's navy, or in the service of the customs or excise, within the limits of any port of Great Britain, or within four leagues from any part of the coast thereof, or shall shoot at, or dangerously wound, any officer of the navy, customs, or excise, or any of their assistants, acting in the execution of their duty, or within the limits of any port, or within four leagues of any part of the coast of Great Britain, shall suffer death as a felon.

Secl. 12.

Persons charged with any offence made felony by this act, not surrendering after proclamation, to suffer death as felons.

Secl. 13.

Persons harbouring offenders, after the time appointed for surrender, and being prosecuted within a year after, shall be judged guilty of felony, and transported for seven years.

Punishment of persons assaulting custom-house officers.

Secl. 15.

Persons opposing, obstructing, or assaulting officers of the navy, customs, or excise, in the execution of their duty, upon conviction before a justice, to be sentenced to hard labour on the River Thames, or to the house of correction, for a term not exceeding three years.

Ships not bringing to may be fired into.

Secl. 23.

Suspected vessels not bringing to, when chased by any cutter or other vessel, in the service of his Majesty's navy, having the proper pendant and ensign of his Majesty's ships hoisted, or being in the service of the customs or excise, and having their pendant or ensign hoisted, with such marks thereon as are usual, in a blue field, the commander may shoot into them; and if he be prosecuted in consequence

thereof, he and his aiders shall be admitted to bail. 24 Geo. 3. c. 47.

Wine imported in any vessel or boat, not exceeding 60 tons burthen, shall, together with the vessel and its furniture, be forfeited. Seft. 27.

Goods found on board, and not reported, shall be forfeited. Seft. 28.

Officers of the customs to have the like power of seizing tea and spirits, removing without a permit, as officers of the excise.

Determination of two justices with respect to small seizures, to be final. Seft. 30.

Officers of the customs may sell seizures in any place they think proper. Seft. 31.

Any officer of his Majesty's navy, customs, or excise, making any collusive seizure, or agreeing not to seize any ship or goods, or taking any bribe, shall forfeit 500*l.* and be rendered incapable of serving his Majesty; and every person giving or offering such bribe, shall forfeit 500*l.* Penalty of 500*l.* upon persons making collusive seizures. Seft. 32.

Condemned vessels, that are fit for his Majesty's service, may, instead of being broken up, be sold to the officers appointed by the Lords of the Admiralty, or Commissioners of the Navy, for that purpose; one half of the produce of such sale to be paid into the exchequer for his Majesty, and the other half to the officer who prosecuted for the same. Condemned vessels may be purchased by the admiralty. Seft. 33. 27 Geo. 3. c. 32.

Officers of the customs making seizures of vessels, boats, &c. which by law shall be liable to be broken up after condemnation, shall be rewarded in the following manner, viz. to be Rewards to officers making seizures. 28 Geo. 3. c. 34. s. 1.

28 Geo. 3 c. 23. paid 10s. per ton for all vessels and boats as shall exceed four tons, legal admeasurement; and 40s. for every such boat as shall not exceed four tons; and likewise one moiety of the produce of the materials of such vessels, after deducting the charges of condemnation.

Sect. 2.

If at any time it shall appear to the commissioners of the customs, that any vessel under seizure, and which on condemnation may be liable to be broken up, and is of such built and construction, as not to be calculated for smuggling, but suitable for fair merchandize, she may be sold after condemnation, instead of being broken up, and the produce of the sale to be disposed of, as the produce of vessels not liable to be broken up after seizure.

Sect. 3.

If in pursuance of any act relative to the trade and revenue of the British colonies and plantations in America, any goods shall be seized as forfeited, the judge of any court having jurisdiction to try and determine such seizures, may order the delivery of such goods or commodities, on sufficient security, by bond being given to answer double the value of such goods, in the event of condemnation.

Bonds to be  
given with sure-  
ties, &c.  
Sect. 4.

Previous to the execution of such bond the collector or comptroller of the customs shall make enquiry into the sufficiency of the sureties, and shall certify the same to the judge of such court, who being satisfied of the sufficiency of the sureties, the bond shall be executed, but not otherwise; and in case the goods and commodities are condemned, the value of the same, conformable to the condition of the

bond, shall be paid to such collector, who 28 Geo. 3. c. 34. shall, with the consent of the comptroller, cancel the bond thus granted.

Not to extend to authorize the delivery of sect. 5. any goods whatever, only in cases of the same being perishable, or where the informer or prosecutor shall delay coming to as speedy a trial as the course of the court and nature of the circumstances will permit.

In case any open boat, belonging in whole or in part to British subjects, of the length of 23 feet and upwards, built for rowing or sailing, the length of which shall be greater than in the proportion of three and an half feet to one foot in breadth, to be measured by a strait line from the fore part of the stern to the aft side of the transom or stern post aloft, shall be found either upon the water, within any port of Great Britain, or creek, or within four leagues of the coast thereof, or in any place upon land in Great Britain, such open boat shall be forfeited, and may be seized by any officer of the customs or excise; and any such boat being of the length of 18 feet, and under the length of 24 feet, and the depth of which shall be greater than in the proportion of one inch and a quarter to every foot in length, (such depth to be taken from the upper part of the plank next the keel, to the top of the upper strake, whether such upper strake shall be fixed to the boat, or used as loose or shifting wash strakes,) such boat shall be forfeited, and may be seized, &c. Open boats of certain descriptions to be forfeited. Sect. 6.

Every open boat of 24 feet and upwards, the sect. 7. depth of which shall be greater than in the proportion of one inch to one foot in length (such

23 Geo. 3. c. 34. depth to be taken as hereinbefore mentioned), may be seized by any officer of the customs or excise.

Not to extend to boats employed in the navy, ordnance, victualling, &c. &c. nor boats licensed by the Admiralty, &c. Sect. 8.

Not to extend to forfeit boats employed in the navy, ordnance, victualling, customs, excise, or post office, or which is used on any canal or inland navigation, nor to any boat whatever, the owner of which has a license from the Admiralty, if such license be actually on board such boat at the time of her being examined; nor boats which shall be constructed with timbers and planks, not less than the following scantlings, viz. an open boat from 20 to 25 feet in length, having plank 3-fourths of an inch thick, and timbers 1-fourth inch square; from 25 to 30 feet, plank one and 1-eighth inch thick, and timbers two inches square; from 30 to 35 feet, plank one and 3-fourths inch thick, timbers three inches square; from 35 to 40 feet, plank two inches thick, and timbers four inches square; from 40 to 45 feet, plank two inches thick, and timbers five inches square; from 50 feet and upwards in length, having plank three inches thick, and timbers six inches square.

Penalty on masters of ships refusing to deliver up certificates of registry. Sect. 9.

On complaint being made on oath by the owners of any ship, the master whereof refusing to deliver up the certificate of her registry to any justice of peace residing near the place where the refusal was made, either in Great Britain, Guernsey, &c. or the plantations, such justice to cause the master to be brought before him to be examined, and should it appear that the same is not lost or mislaid, but is wilfully detained by the master, he shall pay a fine of 100*l.* and in default within two days after conviction, shall be committed to the common jail,

there to remain without bail or mainprize for such time as the judge shall think proper, not being less than six nor more than twelve months. 28 Geo. 3. c. 14.

The justice may issue a warrant to search for such certificate, and on being found, to be delivered to the owners; but if not found, the justice shall certify the aforesaid detainer, refusal, and conviction, to the persons who granted the last certificate of registry of such ship, who shall, on the terms and conditions of the registry act being complied with, make registry of the ship *de novo*, and grant a certificate thereof agreeably to the form prescribed. Justices may issue warrants to search for certificate, &c. Sect. 10.

Any open boat, built for rowing or sailing, or for rowing and sailing with the cutter or lugger, to which it shall belong, belonging in the whole or in part, to any of his Majesty's subjects, and being of the length of 14 feet, and under 18 feet, (measured from the fore part of the stern to the aft side of the sternport aloft), and the depth of which shall be greater than in the proportion of one inch and a quarter to every foot in length, such depth to be taken from the upper part of the plank next the keel to the top of the upper strake, whether such upper strake be fixed or shifting; unless such boat shall have plank of three quarters of an inch thick, and her timbers one inch and an half square, and not more than nine inches distance from timber to timber, together with the cutter or lugger, &c. to which it shall belong, if found either upon the water, within any port of Great Britain, or member, or creek thereof, or within four leagues of the coast, or within any of the supposed strait lines mention- Other descriptions of boats liable to forfeiture. 34 Geo. 3. c. 50. f. 8.



34 Geo. 3. c. 50. ed in 34th Geo. 3. c. 50. f. 8. \* in any place upon land.

Whale boats,  
&c. exempted.  
Sect. 10.

Any whale-boat, belonging to ships employed in the fisheries of Greenland seas, Davis's Straits, or in any fishery to the southward thereof, if such whale-boat be either employed in no other way than in those fisheries, or be laid up out of use, according to the laws of those fisheries.

\* See CUSTOM, HOVERING, MANIFEST, &c.

## Stranded Ships and Salvage.

THE following statutes not only compel magistrates, officers of corporations, commanders of merchantmen, and men of war, to assist ships in distress, but they also wisely hold out a reward under the denomination of Salvage, to be assessed by the Justices, and paid within a limited time ; otherwise the ships and goods so rescued and preserved are to remain in the hands of the officer of the customs as a security, and eventually to be sold to pay the expences assessed for salvage.

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Sheriffs, mayors, justices of peace, bailiffs, and other head officers of corporations, and all constables, and officers of the customs in every county and port town adjoining to the sea, upon application made to any of them by or on the part of any captain or commander of a ship in danger of being stranded, or that has been stranded, shall summon and call together as many persons as shall be thought necessary to the assistance of such ship or vessel and their cargoes ; and should there be any ship, either man of war or merchantman, riding at anchor near the place where such ship is stranded or in distress, the officers of the customs and constables are to demand assistance from the superior officer of such ship or vessel, by requesting their boats and such hands as they can conveniently spare for the said service ; and in case such superior officer shall refuse or neglect to give the assistance demanded, he shall forfeit 100*l.* to be recovered by the owner or master of the ship in distress, together with costs of suit.

Officers of corporations, commanders of merchantmen, and men of war, to assist ships in distress.

12 Ann. st. 2. c. 18.

Salvage to be  
adjusted by the  
justices.

12 Ann. ft. 2.  
c. 18.

26 Geo. 2. c. 19  
f. 5.

Reasonable salvage, to be adjusted by three justices, and to be paid in thirty days; in default thereof, the ship or goods to remain in the hands of the officer of the customs as a security.

If no claimant  
appear, goods  
to be put in pos-  
session of the  
chief officer of  
the customs.

12 Ann. ft. 2.  
c. 18. f. 2.

If no claimant appear, the chief officer of the customs at the nearest port to be put in possession by three of the nearest justices of the peace; and if the goods are not claimed in twelve months, to be sold publicly, and the money remitted to the Exchequer, for the use of the owner. Perishable goods to be sold immediately.

Persons entering  
a ship without  
leave, defacing  
the marks, &c.  
to make double  
satisfaction.

Secl. 3.

Persons entering a ship without leave, or hindering the ship or goods, or defacing the marks on such goods, are to make double satisfaction within twenty days, at the discretion of the two next justices, or in default to be committed to hard labour for twelve months. The commander or officers, or custom house officers, may repel by force persons pressing without leave on board a ship in distress.

Secl. 4.

Goods carried off to be delivered on demand, on forfeiture of treble the value.

Making holes in  
ships' bottoms,  
stealing pumps,  
&c. felony with-  
out clergy.

Secl. 5.

Secl. 9.

Making holes in the bottom or sides of a ship in distress, or stealing her pump, or aiding therein, or doing any thing tending to her immediate loss, is felony without clergy.

The Crown, or its patentee, or lords of manors, lawfully claiming wrecks, &c. not prejudiced.

Salvage, how to  
be determined  
in the cinque  
ports.

3 Geo. 1. c. 13.  
f. 6.

The lord warden of the cinque ports for the time being shall appoint, by an instrument under his hand and seal, three or more substantial persons in each of the cinque ports, two ancient towns, and their members, to ad-

just and determine any difference relating to salvage, if any such shall arise, between the master of any vessel and persons bringing a cable and anchor on shore, which persons the lord warden is empowered from time to time to appoint; and in case any ship or vessel shall be forced from her cables and anchors by extremity of weather, and thereby leave the same in any roads within the jurisdiction of the cinque ports, and the salvage cannot be adjusted between the persons concerned, that then the same shall be determined within the space of twelve hours by any one or more of the persons appointed as aforesaid.

The act 12 Ann. st. 2. c. 18. not to affect the jurisdiction of the cinque ports, but to be executed by the officers of the admiralty court there.

When any ship or goods are stranded, the nearest justice to give notice for an immediate meeting of the sheriff or his deputy, justices, mayors, coroners, commissioners of the land tax or five of them, to give aid in saving the ship and goods, and adjust the salvage: and each of them are allowed 4s. a day for his expences in such attendance out of the goods saved by their care and direction.

The charges and rewards for salvage not being fully paid, or sufficient security given for the same, within forty days next after the said service performed, in such case it shall be lawful for the officer of the customs concerned in such salvage to raise so much money as shall be sufficient to satisfy the charges by one or more bills of sale, under his hand and seal, of the ship or cargo saved, or such part thereof as shall be sufficient, redeemable nevertheless upon

How to proceed in cases of ships stranded, and adjustment of salvage.

26 Geo. 2. c. 19. Sect. 6.

Officer of the customs may order part of the ship or cargo saved to pay the expences of salvage.

Sect. 7.

26 Geo. 2 c. 19. payment of the principle sum borrowed, and interest for the same at the rate of 4l. per cent. per annum.

Persons plundering ships stranded to be prosecuted at expense of the country.  
Sect. 8.

Where oath is made of plunder and theft before any magistrate, or breaking a ship contrary to 12 Ann. st. 2. c. 18. and the examination thereupon taken in writing shall be delivered to the clerk of the peace of the county, riding, and division, or his deputy, where such fact shall have been committed, then such clerk of the peace to prosecute the offenders, and the charges to be paid by the county, &c. ; and if he shall neglect or refuse to carry on such prosecution in due manner, he shall forfeit 100l. for every such offence.

By whom this act is to be enforced  
Sect. 9.

The Commissioners of the Land Tax, the deputy sheriff, the coroner, and the officers of excise, in each county, riding, and division, shall be proper officers for putting this act in execution, and the 12th Ann. st. 2. c. 18. with those therein respectively named for that purpose.

How this act to be enforced in the cinque ports.  
Sect. 10.

The lord warden of the cinque ports for the time being, the lieutenant of Dover Castle, and the deputy warden of the cinque ports, two ancient towns, and members thereof, and other persons to be appointed by the lord warden of the cinque ports, shall be the persons to put in execution within the jurisdiction of the cinque ports all the powers and authorities granted by this act and 12 Ann. st. 2. c. 18. and 4 Geo. 1. c. 12. in like manner as any justice of peace, or other persons, are by this and the said acts appointed to do in any other part of the kingdom.

Sect. 11.

Persons assaulting any officer in the salvage of ships or goods to be transported for seven years.

Any one or more of his majesty's justices of peace, in case of need, and in the absence of the high sheriff, to take sufficient power of the county, to repress all unjust violence, and duly to enforce the execution of this act.

Justices to raise the power of the county to repress violence.  
26 Geo. 2. c. 19. f. 12.

Officer of the customs to cause persons belonging to the ship to be examined before a justice, concerning the description of the ship and goods, and master and owner's name, with the port to or from which she was bound, and the occasion of the distress; the examination to be sent to the secretary of the Admiralty, and published in the Gazette \*.

Persons belonging to the ships to be examined by the officers of the customs.  
Sect. 15.

*(For further Particulars see WRECKS.)*

\* This act not to extend to Scotland. 26 Geo. 2. c. 19.

## Safe Conduits or Passports.

**AS** this is one of the heads in the statutes relating to the Admiralty, the following short abstract is here given.

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Conservators to  
be appointed in  
every sea-port.  
2 Hen. 5. ft. 1.  
c. 6.

Breaking of a truce and safe conduits shall be high treason \* ; and in every sea-port shall be made by the king's letters patent a conservator of the truce and the king's safe conduits, which shall have 40l. lands by the year at least, who shall have power and authority (and also by a commission from the Admiral of England) to enquire of all such treasons to be done against the truce and safe conduits upon the main sea, out of the body of the counties, and out of the franchises of the five ports of the king, as the admirals of the kings of England after the old custom used to do ; and the conservator shall have the same power to punish such as shall be accused before him.

Conservator's  
commission and  
jurisdiction.  
Sect. 2.

The determination of the death and execution of a man excepted out of the conservator's authority, and reserved to the admiral ; two men learned in the law shall be associated in the conservator's commission, who shall have a seal ; the master and owner of a ship to be sworn not to attempt to do any thing against the truce and the king's safe conduits ; the conservator to inroll the name of the master, owner, and ship, with the number of mariners belonging to her, and if they take any thing of the enemy, to

\* The making the offence high treason is repealed by 1 Ed. 6. c. 12. and 1 M. ft. 1. c. 1.

bring it to the port, and inform the conservator thereof, before they make discharge or sale; and any owner or master of a ship, going out of any port of England, or discharge his ship against the form of this ordinance, that such ship, together with the prize taken, shall be forfeited, and the owner or master committed to prison till he hath made a fine and ransom to the king.

2 Hen. 5. R. 4.  
c. 6.

The admiral shall have the forfeitures out of the cinque ports, and the warden of the cinque ports to have the forfeitures there; conservators to be appointed there with like powers.

Forfeitures, how appropriated.  
Sect. 3.

Copies of safe conducts called *Vidimus* disallowed; the clause *Vidimus* shall not be put in a safe conduct, unless upon some special cause.

Clause *vidimus* not to be allowed.  
15 Hen. 6. c. 3.

In safe conducts the names of the persons, of the ships, masters, and mariners, and portage of the ships to be expressed\*.

15 Hen. 6. c. 3.

Merchants, aliens of the king's amity, may load goods in ships of the king's enemies, having letters of safe conduct; and not having safe conducts, or such safe conducts not being inrolled, the goods are liable to capture.

Merchants, aliens, having letters of safe conduct, may load goods, &c.  
18 Hen. 6. c. 3.  
14 Ed. 4. c. 4.

All letters of safe conduct to be inrolled in chancery, otherwise to be void.

20 Hen. 6. c. 1.  
13 Hen. 6. c. 2.

Prizes taken at sea from the enemy, not having letters of safe conduct inrolled, shall belong to the captors.

20 Hen. 6. c. 1.  
f. 3.

Captors of ships not shewing letters of safe conduct, indemnified upon making restitution, on proof that safe conducts were inrolled in chancery.

Sect. 4.  
Confirmed by  
14 Ed. 4. c. 6.

\* 13 Hen. 6. c. 3. 20 Hen. 6. c. 1. confirmed by 14 Ed. 4. c. 4.



3<sup>rd</sup> Hen. 6. c. 4.

The Chancellor of England, with any of the justices of either the King's Bench or Common Pleas, to redress strangers in amity, or, having safe conducts, who are robbed at sea, and may cause full restitution and amends to be made to the party injured.

24 Ed. 4. c. 4.

Statutes against the breakers of truces and safe conducts confirmed.

### South Sea Company.

THE following is an abstract of acts of parliament relating to the South Sea Company, as contained in the statutes relative to the Admiralty.

South Sea Company vested with the sole trade to *America*, on the *east side* from the river *Aranoca* to the *southernmost part of Terra del Fuego*, and on the *west side* from *Terra del Fuego*, through the *South Seas*, to the *northernmost part of America*, and to all countries, islands, and places within the said limits which are reputed to belong to *Spain*, or which shall hereafter be discovered within the said limits, not exceeding *three hundred leagues* from the *continent of America*, between the *southernmost part of Terra del Fuego* and the *northernmost part of America*, on the *west side* thereof, except the *kingdom of Brazil*, and such other places as are in possession of the *Portuguese*, and of *Surinam* in possession of the *States-General*. It not being intended that the sole trade to any part of the east side of *America* in the possession of *Portugal* or the *States-General* shall be granted by this act; but it may be lawful for any *British* subjects to trade to the said possessions (but to no other part within the limits aforesaid), as freely in all respects as if this act had not been made.

Extent of the trade of the South Sea Company.

9 Ann. c. 22, l. 45.

The Company may have to their own use all ships taken as prizes within the said limits, by their own ships, or by king's ships appointed convoys or otherwise for the defence of the said trade, without any account being rendered to his Majesty or any other person whatsoever; save only that the officers and seamen taking

South Sea Company to have all prizes taken by their own ships within certain limits.  
Sect. 51.

9 Ann. c. 21. taking such prize, or assisting in the taking, shall be entitled to such share thereof as his Majesty shall think fit and direct by the charter of incorporation granted to the company, and no other share whatsoever. And it shall be lawful for the said company, and the agents, factors, servants, and others employed by them, to seize, by force of arms or otherwise, the persons, ships, goods, merchandize, belonging to any British subjects frequenting and trading in the South Seas, or other parts or limits aforesaid (except the places before excepted), and to keep and detain such ships, goods, &c. so seized without any account to be rendered thereof as aforesaid, and to send the persons of such British subjects so taken to Great Britain, in order to their being prosecuted for such offence.

Commanders of ships of war not conforming to the instructions of the company to forfeit double the value of the injury sustained. Sect. 52.

Commanders of king's ships, or other officers employed in securing and promoting the said trade, not conforming themselves to such directions and instructions as they shall receive from the said company in writing, during their being so employed, every such commander and officer shall be rendered incapable of serving his Majesty, and shall be liable to pay the company double the value of the loss or damage sustained by the breach of orders, &c. to be recovered, with full costs of suit, in any court of record.

No ships belonging to the company to be detained by embargo, unless specifically mentioned in such embargo. Sect. 54.

No ships which shall belong to, or are freighted by the company, or such person as shall be licensed by them to trade within the limits aforesaid, shall be liable to be detained by any embargo or other restraint whatsoever, unless such ships be particularly named in such embargo or order for restraint.

## Seducing Artificers, and Exportation of Tools.

**T**HE extensive demand for every article of British manufacture sufficiently demonstrates our commercial superiority over every other nation ; our manufactures, therefore, and the skill of our artists, is a species of national wealth more valuable than the mines of Peru or Potosi.— To export machines, or to seduce artificers, may be considered as a national robbery of the worst species. In a commercial country, therefore, the Legislature considers this treasure with an eye laudably jealous ; and the following penalties, heavy indeed, but light when compared with the national injury which the offence may occasion, are inflicted upon those persons who are found guilty of exporting tools, or seducing artificers.

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If any person shall contract with, entice, <sup>22 Geo. 3. c. 60.</sup> persuade, or endeavour to seduce or encourage <sup>f. 1, 2.</sup> any artificer or workman concerned or employed in printing callicoes, cottons, muslins, or linens of any sort, or in making or preparing any blocks, plates, engines, tools, or utensils for such manufactory, to go out of Great Britain to any parts beyond the seas, he shall forfeit 500*l.* and be committed to the common gaol for the county for twelve months, and until such forfeiture shall be paid.

If any person shall put, or endeavour to put <sup>Sec. 3, 4, 7.</sup> on board any ship, &c. or other vessel, not bound directly to some port in Great Britain, any such blocks, plates, engines, tools, or utensils, or part or parts thereof, exclusive of all such tools as may be seized by the revenue officers, he shall forfeit 500*l.*

22 Geo. 3. c. 60.  
s. 5, 7.

If the captain or other officer of any vessel in Great Britain or Ireland shall willingly or knowingly permit or suffer any such blocks, &c. to be put on board his vessel, or shall connive at the same being done, he shall forfeit 100l for every such offence.

Sect. 5, 7.

And if the ship or vessel belong to his Majesty, the captain or other officer so permitting, suffering, or conniving, shall forfeit 100l. and be incapable of holding any office or commission under his Majesty.

Sect. 6, 7.

And if any officer of his Majesty's customs shall take, or knowingly and willingly permit or allow, or suffer to be taken any entry on board, or sign any cocket or sufferance for the shipping or exporting of any of the said blocks, &c. or knowingly suffer the same to be done, he shall forfeit 100l. and be for ever rendered incapable of holding any place or employment under his Majesty.

25 Geo 3. c. 67.  
s. 1. 8. continued by 28  
Geo. 3. c. 29.  
s. 7. and 30  
Geo. 3. c. 18.

If any person in Great Britain shall upon any pretence whatsoever export, load, or put on board, or pack, or cause or procure to be laden on board of any ship or vessel which shall be bound to some place or port beyond the seas (except to Ireland), or shall lade or cause to be brought to any quay, wharf, or other place in order to be so laden or, &c. (except to Ireland) any tool or utensil, that is to say, hand-stamps, dog-head stamps, pulley-stamps, stamps of all sorts, hammers and anvils for stamps, screws for stamps, iron rods for stamps, presses of all sorts in iron, steel, or other metal, which are used for giving impressions to metal, or any part or parts of these several articles; presses of all sorts, called cutting-out presses; beds and benches to be used

therewith ; piercing presses of all sorts ; beds and punches to be used therewith, either in parts or pieces, or fitted together ; iron or steel dies to be used in stamps or presses, either with or without impressions ; rollers of cast iron, wrought iron, or steel, for rolling of metal, and frames for the same ; flasks or casting moulds, or boards used therewith ; lathes for turning, burnishing, or polishing, either the whole together or separate parts thereof ; lathe-flings ; polishing brushes ; scoring or shading engines ; presses or dies for horn buttons ; sheers for cutting of metal ; rolled steel ; rolled metal with silver thereon ; buttons, or parts unfinished ; engines for chasing stocks, for casting buckles, buttons, and rings ; cast-iron anvils and hammers for forging ; mills for iron and copper rolls ; slitters, bed-spillars, and frames for sitting-mills ; die-sinking tools of all sorts ; drilling-engines ; tools for pinching of glass ; engines for making button shanks ; laps of all sorts ; engines for covering of whips ; polishing brushes ; bars of metal, covered with gold or silver ; iron or steel screw-plates ; pins and stocks for making screws, or any other tool or utensil which now or hereafter shall or may be used in working, preparing, finishing, or completing the iron or steel manufactures of this kingdom, by what name or names soever they are known or called, or any model or plans of such tools, implements, &c. or any part or parts thereof, and complaint be made thereof upon oath before any justice, he may issue his warrant to bring the person or persons whose property they are before him, and examine him as to the purposes the said tools are for, and if he shall not give an account thereof to the satisfaction of the said justice or justices, then

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the said justice may, if the circumstances appear sufficient for so doing, bind the party to appear at the quarter sessions of the peace for the county, city, riding, &c. where the offence shall be committed, with proper sureties; but if such person shall neglect or refuse to give such security, the said justice may commit the party to the common gaol, or house of correction, until the next assizes, or next quarter sessions of the county or, &c. when in case of conviction upon indictment or information he shall forfeit for every such offence (exclusive of all such tools or utensils, or parts thereof, together with the packages and all other goods packed therewith) 200*l.* and also suffer imprisonment in the common gaol, prison, or house of correction for twelve months, without bail or mainprize, and until such forfeiture shall be paid; one half of the penalty for the same to the king, and half to the officer who shall sue, after deducting the charges of prosecution from the whole.

## Swearing.

**I**F the following statute were more strictly enforced, the vice which it is intended to correct would probably be less practised.

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Any person or persons, profanely swearing <sup>19 Geo. 2. c. 21.</sup> or cursing in the presence or hearing of any <sup>f. 1. 5.</sup> justice of the peace, mayor, bailiff, or other chief magistrate, of any town corporate, every such justice, mayor, &c. are hereby authorised and required to convict every such offender, (agreeable to the mode of conviction,) without any other proof whatsoever.

Every justice of the peace, mayor, or chief magistrate, shall immediately, upon information given on oath of any constable, petty constable, or other peace officer, cause the offender or offenders to appear; and in case of such information being proved, such offender shall immediately pay down the sum so forfeited, or give security to the satisfaction of such justice, mayor, or other chief magistrate: but if the penalty is not paid, or security given, it is lawful for such justice or mayor, to commit the offender to the house of correction, and be kept to hard labour for the space of ten days.

Any common soldier belonging to any regiment in his Majesty's service, or any common sailor belonging to any ship or vessel, who shall be convicted of profane cursing or swearing as

**Punishment  
upon conviction  
for swearing.**



19 Geo. 2 c. 21.  
6. 1. 5.

aforsaid, or not immediately pay down the money forfeited, or give security for the same as aforsaid; and also the cost of information, summons, and conviction, as in and by this act directed; every such common soldier, common sailor, or seaman, instead of being sent to the house of correction, shall, by the said justice, mayor, &c. be ordered to be publicly set in the stocks for the space of one hour for every single offence; and for any number of offences, whereof he shall be convicted at one and the same time, two hours.

## Transport Service.

**T**HE immense military operations which the present war has rendered necessary, being upon a larger scale than ever before known in this country, have originated the establishment of a transport board, for the purpose of transporting troops and stores for the service of Government; and by this, all that business formerly transacted by the commissioners is superintended and conducted.

The province of this board is to negotiate all contracts with the ship-owners—to cause surveys to be made of the vessels—finally to adjust the accounts and pay the balance.

With respect to the terms of this contract—these must vary according to the particular service for which the merchant vessels may be destined.

The masters of the vessels thus hired, are furnished by the board with the necessary directions for their guidance, together with blank forms for keeping their accounts of hammocks and provisions, &c. &c. supplied for the troops; and where the service is of a particular nature,—the masters of the vessels, upon resorting to the agent for the Transport Board, are furnished with ample and precise instructions for their government.

The general form of a charter-party of affreightment for stores and troops for the service of government, varies but little from charter-parties entered into by ship owners.

## Wandering Mariners or Soldiers.

39 Eliz. c. 17.

**W**ANDERING mariners, soldiers, and others shall settle to work, or repair to the place of their birth or dwelling, and take to some trade, on pain of suffering for felony without benefit of clergy.

Wandering mariners, not having a testimonial, &c. guilty of felony.  
Sect. 3.

Wandering mariners or soldiers, coming from sea or abroad, not having a testimonial under the hand of some justice of peace, of or near the place where they landed, specifying the name of such place, and place of their dwelling or birth, and limiting a convenient time for their passage; or any mariner or soldier having such testimonial, who shall wilfully exceed the time limited above fourteen days, or forge or counterfeit any such testimonial, is declared guilty of felony without clergy.

Sect. 4.

Justices of the assizes, gaol delivery, and justices of peace, may hear and determine these offences, and inflict such punishment on the offenders as in cases of felony is accustomed, except some honest person, valued at the last subsidy to 10l. in goods, or 40s. in land, or freeholder as by justices shall be allowed, will be contented to take such offender into his service for one whole year, and be bound by recognizance of 10l. to be levied of his lands, goods, &c. if he keep not the said person for one whole year, and bring him to the next sessions of peace: and any such person retained, departing within the year, without license from his master, shall be adjudged guilty of felony without clergy.

Wandering persons falling sick by the way, <sup>39 Eliz. c. 17.</sup> and unable to get to their journey's end, <sup>f. 5.</sup> through weakness, within the time limited in their testimonials, are not within danger of this statute, so as they continue their journey home in a convenient time after recovery, and there remain as aforesaid.

Soldiers or mariners repairing to the place <sup>Sec. 6.</sup> of their dwelling or birth, and not being able to get any employ there, are to apply to two justices of peace of the county of or near the said place, who are to set them to some honest labour or work, as they shall think proper, and for want of such work, the said justices shall tax the whole hundred at their discretion, for the relief of such soldier or mariner, till sufficient work may be had.

Soldiers or mariners, licensed by a justice to <sup>Sec. 7.</sup> pass in the direct way, may ask relief of any well disposed persons.

Soldiers or mariners travelling with a pass, <sup>17 Geo. 2. c. 5.</sup> not deemed vagrants, while they continue in <sup>f. 3.</sup> the direct way, and during the limited time.

## Watermen on the Thames.

2 and 3 P. & M.  
c. 16. f. 3.

**E**IGHT rulers of the watermen on the Thames to be appointed yearly, by the mayor and aldermen of London.

4 Ann. c. 19.  
f. 18.

Watermen summoned by the rulers of their company, to serve on board the fleet, and not appearing, to be imprisoned for one month, and disabled from working on the Thames for two years.

6 Ann. c. 3. f. 2.

Watermen belonging to the insurance companies, free from pressing, not exceeding thirty for each office, and their names being registered in the admiralty office.

## Wool.

THAT provident and laudable commercial jealousy of foreigners with respect to her commerce, by which this country has secured to herself those materials which render her manufactures so valuable, because they can be furnished from no other quarter, is in these statutes singularly conspicuous. Wool was originally the staple commodity of the kingdom; for her cattle, particularly sheep, Great Britain has long been distinguished, and to this source of wealth, when meliorated by the industry and skill of the manufacturer, she owes much of that commercial importance which she has now attained.

The act of Elizabeth is singular, by inflicting a most terrible punishment on those who should export live sheep.

### *Wool, and the Penalties incurred on Exportation of the same.*

The exporting of live sheep, or embarking them on board of any ship, for the first offence is forfeiture of goods and imprisonment for a year, and that at the end of the year the left hand shall be cut off in some public market, and shall be there nailed up; and for the second offence it is declared felony.

Penalty on exporting live sheep.  
8 Eliz. c. 3.

No person shall export any sheep or wool, 12 Car. 2. c. 32.  
wool-fells, mortlings, shorlins, yarn, wool-flocks, fuller's earth, or fulling clay, nor carry or load on board a ship any sheep, wool, &c. &c. to be so exported.

Sheep or wool, &c. &c. so exported, or laden to be exported, are forfeited, and the

Sec. 1.

**12 Car. 2. c. 32.** offenders to pay 20s. for every sheep, and 3s. for each pound of wool, wool-fells, mortlings, &c. and the owners of the ship, knowing such offence, shall forfeit all their interest in the said ship, with all her apparel and furniture; and the master and mariners knowing such offence, and willingly assisting therein, shall forfeit all their goods and chattels, and be imprisoned for three months without bail or mainprize; one moiety of the said penalties shall be to the king, and the other to him that will sue for the same.

**Seft. 4.** Merchants exporting wool, &c. disabled to recover any debt or account from their factors and others.

**Seft. 5.** Offences committed contrary to this act, to be tried and determined in the county where such sheep, wool, &c. shall be laden or else in the county where the offenders shall be apprehended.

**Seft. 6.** No persons shall be impeached at any time hereafter for any offence aforesaid, unless they shall be prosecuted within the space of one year after such offence committed.  
Within 3 years,  
9 & 10 Wm. 3.  
c. 40. f. 9.

**12 Car. 2. c. 32.  
f. 7. & 8.** Any person may seize and have a moiety of the goods, but shall not give evidence.

**Seft. 9.** Ships of Aliens, or subjects not inhabiting within the realm, on board of which such sheep, wool, &c. shall be found, to be forfeited to the king.

**Seft. 10, 11.** Lamb-skins ready dressed, flock-bedding for the ships, and wether sheep for their food excepted.

Wool may be exported from Southampton to the isles of Guernsey, Jersey, Alderney, and Sark, so as the shippers of such wool deliver to the customer, comptroller, surveyor, or searcher of Southampton, a writing under the seal of the

**Seft. 12.**

governors of such isles, specifying that the party named is authorised and appointed to export so much wool, expressing the number of tods, out of the said port, to the isles, to be used and manufactured in one of them, and that the party so authorised, hath, before sealing and making such writing, entered into sufficient bond to his Majesty for landing the wool in the said isles. The annual quantity allowed to be exported out of Southampton, not to exceed the quantity hereunder specified, that is to say,

|           |      |                          |
|-----------|------|--------------------------|
| To Jersey | 2000 | } Tods of uncombed wool. |
| Guernsey  | 1000 |                          |
| Alderney  | 200  |                          |
| Sark      | 100  |                          |

Every tod not exceeding 32 pounds.

Double the quantity allowed to be exported from Southampton to Guernsey, Jersey, Alderney, and Sark, and further penalty of 20l. for every tod of wool, and forfeiture of wool itself, if the said wool is transported, or attempted to be transported, from the said islands, and the offenders rendered incapable of having any grant for wool from the said port of Southampton.

Double the quantity may be exported; and further penalties.  
1 W. & M. c. 32. f. 14.

All coquets for exporting wool, to be wrote on paper, and not parchment, and signed by at least three officers of the port. 1 W. & M. c. 32. f. 4. extended to wool fells, &c. 5 Geo. 1. c. 11. f. 14.

Coquets to be wrote on paper, and signed, &c.  
1 W. & M. c. 32. f. 4.

No wool to be shipped from any other ports in Ireland than the following, viz. *Dublin, Waterford, Youghall, Kinsale, Cork, and Drogheda*, nor imported from thence into any ports but the following, viz. *Liverpool, Chester,*

Ports in England and Ireland for importing and exporting wool.  
1 W. & M. c. 23. f. 6.



1 W & M. c. 23. *Bristol, Minehead, Barnstaple, Bidiford, and Exeter* \*.

Admiralty to ap-  
point cruizers,  
&c. to cruize  
fr m the North  
Foreland to the  
Isle of Wight.  
7 & 8 Wm. 3.  
c. 28. f. 14.

Admiralty to appoint two ships and four armed Sloops to cruize from the North Foreland to the Isle of Wight, to seize ships exporting wool, or carrying prohibited goods, or suspected persons.

9 & 10 Wm. 3.  
c. 40. f. 2.

No fuller's earth or scouring clay, to be exported, on penalty of one shilling per lb.

No wool, &c. to  
be imported  
from Ireland  
but to Great  
Britain, under  
penalty of for-  
feiture, &c.  
Sect. 3.

No wool, wool-fells, shortlings, worsted, bay or woollen yarn, cloth, serge, bays, kerseys, says, prizes, druggets, cloth serges, shalloons, or any other drapery, stuff, or woollen manufactures, &c. to be exported from Ireland to any place but England, on forfeiture of the wool, &c. and 50*l*. for every offence, as likewise the ship, &c. ; and the master and mariners, or any porters, carriers, waggoners, boatmen, or other persons whatsoever, knowing such offence and aiding and assisting therein, shall forfeit 40*l*.

10 & 11 Wm. 3.  
c. 10. f. 3.

No acquittal, indictment, &c. in Ireland, allowed in bar of any prosecution in England.

Any person may  
seize wool load-  
ed to be export-  
ed unlawfully.  
Sect. 4.

Any person may seize such wool, &c. whether loaded on board any ship, barge, &c. or on shore upon any horse, cart, or other carriage, with intent to be exported to foreign parts, and may likewise seize the ship or barge, and shall be indemnified for so doing.

Sect. 7.

Cockets for ships carrying wool from Ireland, to be written on paper, and signed by three of the chief officers of the respective port.

\* Continued by 7 and 8 Wm. 3. c. 28. f. 5. 10 and 11 Wm. 3. c. 10. f. 10. 4 Ann. c. 7. 12 Geo. 2. c. 21. f. 5. 25 Geo. 2. c. 14. f. 19. 26 Geo. 2. c. 8. and by 26 Geo. 2. c. 11. from any port in Ireland to any British port.

Offences may be tried where the wool is put on board, or where the offender is apprehended 10 & 11 Wm. 3. c. 10. f. 12.

Persons sued for executing this act may file common bail, and plead the general issue, and prevailing, shall have treble costs. Sec. 13.

Woollen manufactures may be imported from Ireland to England, notice being given to the commissioners of the customs, and the customer or collector of the port of importation, and bond given for the landing, and license obtained. Sec. 14.

Admiralty to appoint two ships of the fifth rate, and two of the sixth rate, and eight armed sloops, to cruize between England and Ireland, and to seize ships exporting wool, &c.; Admiralty to send a list of such cruisers to the custom-house. Sec. 16.

All wool and ships so seized are forfeited, and to be kept in the king's warehouse till condemnation, and then publicly sold by inch of candle, and divided, one-fourth to the king and the rest to the captors. Sec. 17.

Commanders of such cruisers neglecting their duty, or compounding offences, to lose all their wages, and suffer six months imprisonment, and be incapable of serving the king. Sec. 18.

No wool, &c. of the produce of the English Plantations in America, shall be exported from the said plantations to any other place whatsoever under the like penalties. Sec. 19.

Wool found in ships of 50 tons, hovering on the coasts of Ireland, forfeited, together with the ship. 6 Geo. 1. c. 21. f. 62.

Commissioners of excise in Ireland to determine offences relating to wool. Sec. 64.

6 Geo. 1. c. 21.  
1. 65.      None to claim property in seizures in Ireland, till they have given security to answer penalties.

5 Geo. 2. c. 21.  
1. 1.      Admiralty to appoint three ships of the sixth rate, and eight armed sloops, to cruize on the coasts of Great Britain and Ireland, to seize ships exporting woollen manufactures from Ireland; list of the ships and sloops to be sent to the commissioners of the customs in Great Britain and Ireland.

Sec. 2.      Commanders of such ships and sloops may search vessels, and finding prohibited goods, carry them into port.

Sec. 3.      The vessels and goods forfeited, and after condemnation to be sold on 21 days notice; informers indemnified, and to have 1-fifth of the produce, the residue to be divided, 3-fourths to the captors and 1-fourth to the king.

Sec. 4.      Persons claiming properties in seizures to give security to answer the penalties.

Sec. 7.      Penalties of former acts not annulled.

2 Geo. 2. c. 21.  
1. 6.      Wool to be exported from Ireland in vessels only of the built of Great Britain or Ireland, wholly owned and manned by subjects of this kingdom or Ireland, and registered, under forfeiture of vessels and goods.

The owners of such ships to make oath, or if quakers, affirmation to the following purpose :

“ I ——— do make oath (or solemnly  
“ affirm) that the ship ———, of ———,  
“ whereof ——— is at present master, ———  
“ being ——— built, of ——— tons, was built  
“ at ———, in the year ———, and that ———  
“ of ———, and ——— of ———, are at present  
“ owners thereof, and that no foreigner,

"directly or indirectly, hath any share, part, 12 Geo. 2. c. 21.  
"or interest therein."

A certificate of which, attested by the collector and comptroller, under their hands and seals, and after being registered by them to be delivered to the master of the ship, and a duplicate of the register to be transmitted to the commissioners of the customs in London, in order to be entered in the general Register. Sect. 7.

No ship's name registered shall be afterwards changed, without registering such ship again under the same penalties; alteration of property to be indorsed on the certificate of the register before two witnesses. Sect. 8.

The like penalties and forfeitures on exporting wool slightly manufactured, so as the same may be reduced and made use of as wool again, or matrasies or beds stuffed with combed wool, or wool fit for combing. Sect. 9.

No wool to be packed in any chest, barrel, cast, nor any other but *pack cloth*, and such package to be stamped or marked *Wool* or *Yarn*, in large letters, not less than three inches in length, under forfeiture of wool, &c. and package, and three shillings for every pound weight, to be paid by the owner or packer. Sect. 10.

No wool, &c. to be exported, unless notice first given to the customer or collector, and comptroller of the port from which the same is intended to be sent, of the quantity, quality, and package, with the marks and numbers, and master's and ship's name, and name of the owner of the goods, his place of abode, to what port the same are to be transported, and to whom consigned, and a bond given, with sufficient securities, in treble the value of the goods, that Sect. 11, 12, 13.

12 Geo 2. c. 21. the same shall be landed accordingly (due notice of which shall be sent to the collector of the port they are destined for); and ~~unless~~ a license be also first taken under the hands of the customer, &c. for the landing and carrying thereof, which license ~~is to be given without fee or reward.~~ Bond not to be discharged, but upon producing a certificate from the customer or collector, and comptroller of the port where such goods were landed, specifying the goods, marks, numbers, ship, and master, and that they were landed. Any bill remaining undischarged by such certificate, after six months, shall be transmitted to the commissioners of the customs in Great Britain, or the commissioners of the revenue in Ireland, who are to put them in suit immediately. Wool exported without such license, bond, &c. to be forfeited, together with the ship, &c.

Sec. 14. None but officers to enter informations, for seizures, nor prosecute for penalties.

Sec. 15. Power of king's guardships not taken away.

Sec. 16. Two hundred pounds penalty, and incapacity on an officer making a seizure collusively, and forfeiture of treble the value on the owner. The whole penalty to go to the informer.

Sec. 17. Discovering the offence within 6 months so as to convict an accomplice, discharges him.

S. d. 18. Suits for informations to be prosecuted in Westminster, or in the exchequer in England, or at quarter-sessions, or before two justices summarily, or by any law of revenue in Ireland, and the *onus probandi* to lie on the claimer.

Sec. 20. Wool or woollen goods, condemned, to be sold by auction.

Officers making seizures on information, the informer to have half. 12 Geo. 2. c. 21. §. 21.

Masters, mates, or mariners, employed in clandestine exporting of wool, making discovery thereof in six months after such exportation, shall not only be indemnified for so doing, but shall be acquitted of all penalties, forfeitures, &c. and have three-fourths of the penalties recovered by such discovery. Sect. 23.

Persons having appointments under the hands and seals of the commissioners of customs, excise, or salt, in Great Britain or Ireland, deemed officers for executing acts against transportation of wool. Sect. 24.

Three hundred pounds penalty for offering to bribe an officer to connivance, to be paid to the informer. Sect. 25.

Persons, opposing officers in their duty, to be transported for seven years. Sect. 26.

Exporters of wool, or their abettors, not paying penalties in three months after judgment, to be transported. Sect. 27.

Five hundred pounds penalty on insuring, or procuring wool to be landed abroad. Sect. 28.

The like penalty on the insured. Sect. 30.

Persons first discovering indemnified, and to recover the penalty. Sect. 31.

And the insurance void. Sect. 32.

Wool and woollen yarn, &c. may be exported from any port of Ireland into any port of Great Britain. 16 Geo. 2. c. 11.

## Wrecks.

**I**N ancient times, under the feudal system, this head of Marine Law occupied no small space of comparative interest in the statute books, and various questions occurred to determine what should or should not be deemed wreck of the sea. In those times when navigation was but as it were in its cradle, instances of wrecks were much more frequent than at this period. In some cases they belonged to the king; but they were generally granted as appendages belonging to the fee, and constituted, not unfrequently, no small proportion of the emoluments belonging to the baron or lord paramount of the domain where they happened.

### ABSTRACT of Acts of Parliament relative to Wrecks.

3 Ed. 1. c. 4.  
What shall be  
adjudged wreck.

It shall not be adjudged wreck, if any thing escapes alive, but the goods shall be kept for the owner, if he sues within the year and day, on pain of fine, imprisonment, and yielding damages.

4 Ed. 1. ft. 2.  
f. 2.

Persons laying hands upon a wreck to be attached by pledges, and the price of the wreck to be valued; and delivered to the towns.

17 Ed. 2. ft. 1.  
c. 11.

Wreck belongs to the king, except in privileged places.

Merchants robbed shall have their property restored.

27 Ed. 3. ft. 2.  
c. 13.

Merchants robbed of their goods at sea, and such goods coming to any port within the realm; they shall be delivered them on their proving such goods to be really their property; or any ship lost on a sand bank, and the goods coming on shore, they shall be delivered to the owners,

on their proving the goods to be theirs, and paying the persons who have saved and kept the same, what the sheriffs or bailiffs think proper. 27 Ed. 3, R. 2. c. 13.

The articles of war and the authority of officers, remain in force over the crews of ships wrecked and lost. If upon enquiry by a court martial into the loss of a ship, the officers and seamen appear to have behaved well, their pay continues. 22 Geo. 2. c. 35. f. 21.

The same when a ship is taken by the enemy. Sect. 22.

Persons convicted of plundering shipwrecked goods, or obstructing people's escape from a wreck, or putting out false lights, shall suffer death. 26 Geo. 2. c. 19. f. 1.

This act not to extend to Scotland. 26 Geo. 2. c. 19. f. 18.

Stealing stranded goods of small value, *petit larceny*. Sect. 2.

Justices, on information that shipwrecked goods are stolen, to issue search warrants, and the persons on whom they are found, not giving a good account of them, to be committed for six months, or till payment of treble the value. Justices to issue search warrants for stolen goods, &c. Sect. 3.

Goods offered to sale, suspected to be shipwrecked, to be stopped, and notice given to a justice; and the seller, not proving his property, to be committed for six months, or till payment of treble the value, and the goods to be returned to the owner. Shipwrecked goods offered for sale to be stopped. Sect. 4.

Persons saving any ship or goods, and giving notice to a justice, &c. or discovering goods, shall be rewarded by the owners. Sect. 5.



26 Geo. 2. c. 19.

s. 13.

To prevent confusion among the persons assembled to save shipwrecked goods.

*To prevent confusion among persons assembled to save any ship or goods, for want of proper orders, or contradictory orders, all persons so assembled shall conform in the first place to the orders of the master or other officers, or owners, or persons employed by them; and should they not be present, then the persons authorised by this act are to give orders, and in like manner, in the following subordination as any of the said persons shall happen to be present, first the officers of the customs, then the officers of the excise, the sheriff or his deputy, justice of peace, mayor, or chief magistrate of any corporation, coroner, commissioners of the land-tax, chief constable, petty constable, or other peace officer; and any person acting wilfully contrary to such orders, shall forfeit any sum not exceeding 5l. and in case of non-payment, committed to the house of correction for any time not exceeding three months.*

[ For other particulars see STRANDED SHIPS, &c. ]

### West Docks—Port of London.

THE following is the substance of so much of the act for rendering more commodious, and for better regulating the Port of London by a navigable canal, to be cut across the Isle of Dogs, as the limits prescribed in this work will permit to be given.

The preamble states that considerable disadvantages to the trade and port of London arise from the circuitous course of the river Thames round the Isle of Dogs; and the first enactment empowers the mayor, aldermen, and commons of the city of London to make a navigable canal across the *Isle of Dogs*, with proper cuts, flood-gates, and other works adjoining thereto; to communicate with the river *Thames* at *Blackwall*, and also at *Limehouse-bole*, so as to open a navigable course, for ships and other vessels across the *Isle of Dogs*:

And to build two or more piers within the tide-way of the river *Thames* at *Blackwall*, and two or more piers at *Limehouse-bole*, to facilitate the entrances into the canal:

And to supply the canal with water from the *Thames*, and, for that purpose, to make loughs, aqueducts, &c. and to cleanse water-courses, and raise the banks thereof, and to build bridges, flood-gates, toll-houses, &c. &c.

The canal to be under the protection of the Lord Mayor, as conservator of the river Thames, as if actually part of the river.

For twenty-one years from the time when the docks shall be ready, all West-India produce is to be landed within the docks and the king's duties there ascertained; otherwise such produce to be seized and forfeited.

Outwardbound West-India ships, for twenty-one years after the docks are ready, are to load in the docks, or in the river below the entrance into the canal at *Blackwall*, all their respective cargoes, under penalty of 500*l.* for every offence.

### TABLE OF RATES

*Appointed to be paid to his Majesty for Vessels using the Port of London.*

|  | Class. | Per Ton. |
|--|--------|----------|
| Ships trading coastwise between London and any port in Great Britain, the Orkneys, Shetland or Western Isles, for every voyage in and out,   | 1st    | 1        |
| Ships entering inwards, or arriving in the port of London from Denmark, Norway or Lapland, Holstein, Hamburg, Bremen, or any other part of Germany, bordering on the Germanic Ocean; Holland or United Provinces, Brabant, Antwerp, Flanders, Guernsey, Jersey, Alderney, Sark, Ireland, or the Isle of Man; and for every ship clearing out for any of the above countries, | 2d     | 1½       |
| Ships entering inwards or outwards from or to Lapland (beyond the North Cape), Finland, Russia (without or within the Baltic), Livonia, Courland, Poland, Prussia, Sweden, &c. within the Baltic,  | 3d     | 2        |
| Ships entering inwards or outwards from or to France (between Ussant and Spain), Portugal, Spain (without the Mediterranean), the Azores, Madeira or Canary Islands, United States of America, or British Colonies in North America or Florida; and for every ship clearing out for either of the above countries,   | 4th    | 2½       |
| Ships entering inwards or outwards from or to Greenland, Gibraltar, Faerø, or Spain, (within the Mediterranean or Adriatic Sea), or from the West Indies, Louisiana, Mexico, South America, Africa, East Indies, China, or elsewhere within the Pacific Ocean, or to the Southward of 25 degrees of North Latitude,  | 5th    | 3½       |

The above rates to be paid upon entry inwards or clearance outwards at the Custom-House in London; or for want of such clearance, before the said vessels shall depart from the said port.

## RATES FOR PASSING THE CANAL.

|   |    |    |          |
|---|----|----|----------|
| Vessels of two hundred tons                                 | 0  | 2  | per ton. |
| Vessels of one hundred and under two hundred tons,          | 0  | 1½ | per ton. |
| Vessels carrying sail, if fifty and under one hundred tons, | 10 | 0  |          |
| Ditto, if twenty and under fifty tons,                      | 5  | 0  |          |
| Lighters, barges, boats, &c.                                | 0  | 0  |          |

## RATES FOR USING THE DOCKS.

Six shillings and eight pence *per ton*, according to burthen, and the following additional rates upon the under-mentioned articles:

|   |   |   |   |           |
|---|---|---|---|-----------|
| Aloes, balsam, cassia, cortex, winteranus,  | 4 | 8 | } |           |
| turmeric, gum guaiacum,                     | 1 | 6 |   |           |
| Cocoa, coffee,                              | 2 | 6 | } |           |
| Cotton, wool, indigo,                       | 5 | 0 |   |           |
| Tortoise-shell,                             | 3 | 3 | } | per cwt.  |
| Ginger,                                     | 3 | 2 |   |           |
| Pimento,                                    | 6 | 0 | } |           |
| Sarsaparilla,                               | 5 | 0 |   |           |
| Succads, (in boxes),                        | 0 | 8 | } |           |
| Sugar,                                      | 0 | 6 |   |           |
| Dyer's woods                                | 0 | 6 | } | per doz.  |
| Hides,                                      | 0 | 6 |   |           |
| Marmalade, castor oil, tamarinds or succads | 0 | 6 | } | per jar.  |
| in jars,                                    | 0 | 6 |   |           |
| Rum, wine, including madeira,               | 0 | 1 |   | per gall. |

## MERCHANDIZES NOT OTHERWISE SPECIFIED.

Casks, cases, bundles, bales, &c. 200 and upwards, 5s. 6d.

Ditto, under 200, 2 6

Articles of merchandize brought loose, except wood, 2 0 per 100

Other articles of merchandize brought loose, and not hereinbefore specified, shall be charged with a rate not exceeding the rate heretofore usually charged for lighterage, landing, loadings or housing any such articles.

The above rates to be taken for the use of the docks, quays, wharfs, cranes, land-waiter's fees, wharfage, landing, housing, weighing, cooperage, rent for warehouse-room, &c. for twelve weeks in the company's warehouses, and charges of delivering.

*Exemptions from the above Rates and Duties.*

His Majesty's ships of war, and all ships belonging to his Majesty.

## WET DOCKS—PORT OF LONDON.

Ships coming or going coastwise from the port of London, from or to any part of Great Britain, if under forty-five tons register tonnage.

Vessels bringing corn coastwise, the principal part of the cargo consisting of corn.

Fishing smacks, lobster and oyster boats, vessels for passengers and all vessels or craft navigating the river Thames above and below London bridge as far as Gravesend only.

*Exemptions from the Dock Rates.*

Lighters or other craft entering the docks, basons, or cuts, to deliver or receive ballast or goods to or from any ships or vessels.

Collectors of the customs not to permit any ship to be entered inwards, unless the tonnage duties shall have been previously paid.

Mayor and Aldermen may lower the rates for passing the canal and raise them again, but not to be higher than stated in the Table.

Directors may lower the dock-rates and raise them, but not to be higher than expressed in the Table.

Free liberty for horses, cattle, or carriages to use the roads and ways belonging to the said works; and ships, lighters, barges, boats, &c. to use the said canal for the purpose of conveying corn, coals, timber, &c. subject to the rules and regulations made by the mayor, aldermen, and commons.

The canal and dock company's works to be executed as soon as possible, and a statement of the progress thereof to be laid annually before parliament and the lords of the treasury.

Nothing in this act to affect the rights or privileges of the Trinity-House of *Deptford Strond*.

The lord mayor, as conservator of the river, to punish offences committed against this act.

THE END.











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